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Canada. Royal commission on
employment of firemen on diesel
locomotives in freight and yard
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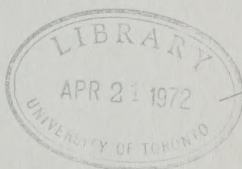
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**ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY**

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PROCEEDINGS



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I N D E X

WITNESSES

BAKER, W.J.

Exam. by Mr. Lewis..... 5588
Exam. by Mr. Sinclair..... 5640

EXHIBITS

No.203 - Sketch, west end,
Leaside Yard..... 5588
204 - Sketch, Solway & Sons
siding..... 5615
205 - Sketch, Hydraulic
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206 - Sketch, Osler Ave.
siding..... 5629

ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Friday, May
17, 1957

PRESENT:

| | |
|----------------------|-----------------|
| Hon. R.L. Kellock, | Chairman |
| Hon. C.C. McLaurin, | Member |
| Hon. Jean Martineau, | Member |
| Douglas M. Fraser, | Secretary |
| A.R. Winship, | Asst. Secretary |

APPEARANCES:

| | |
|----------------------|--------------------|
| D.W. Mundell, Q.C., | Representing the |
| C.J.A. Hughes, Q.C., | Commission |
| I.D. Sinclair, | Representing the |
| Allan Findlay, | Canadian Pacific |
| | Railway Company |
| David Lewis, | Representing the |
| | Brotherhood of |
| | Locomotive Firemen |
| | and Enginemen |

Friday,
May 17, 1957.

40th DAY

MORNING SESSION

--- The Commission resumed at 9.30 a.m.

W.J. BAKER, Recalled

MR. LEWIS: Mr. Chairman, before continuing with the witness, I might mention that Exhibits 191 to 196 inclusive were not filed but were marked. Then also Exhibit 197 was marked. I should like to place a little explanation on the record about Exhibit 197.

The photostat machine which we used does not record apparently ball point pen ink or the colour red which was on Form 104 which was photostated. The result is that the exhibit number, the file number and the number for the demerit marks as well as the signature were written in.

As the next exhibit, I believe it is Exhibit 203, I should like to file a sketch of the west end of the Leaside yards to assist the Commission in following the evidence of the witness.

EXHIBIT No. 203 -- Sketch,
west end
Leaside yards.

BY MR. LEWIS:

Q Mr. Baker, the first thing I would like you to do for the Commission is to start off your day's work with your crew. Where do you and the other members of your crew, that is, your two helpers, congregate at the beginning of your shift?

A At Leaside.

- Q Where is the engine at that time?
- A The engine is up on John Street at the terminal.
- Q Then it comes to Leaside?
- A That is right.
- Q Is any member of your crew with the engine?
- A No sir.
- Q What crew is with the engine when it comes from John Street to Leaside?
- A The engineer and fireman.
- Q Then, when you get to Leaside, what is your first job as yard foreman?
- A We have a van on the spur that runs off No. 6 at the west end of the receiving yard. The utility man either leaves the lists of the trains to be switched and the line-up --
- Q Who is the utility man? Is he a member of your crew?
- A He is a man that is put there for the purpose of checking, bleeding off the cars and marking.
- Q He is not one of the three of which you are foreman?
- A No, that is an extra man that is put there to do that work.
- Q What does this utility man do?
- A He marks the cars as they are given to him over the phone by the Yardmaster; he bleeds the air off the cars and marks them.
- Q On what side does he mark them?
- A He marks them on the engineer's side.

BY THE CHAIRMAN:

Q These are cars that are standing in the yard?

A On trains.

BY MR. LEWIS:

Q This yard illustrated in Exhibit 203, what would you call it?

A Well, the yard at the right-hand side of the map is the receiving yard, and the map from the centre to the left-hand is what we use for marshalling.

Q Would that be the classification yard?

A The classification yard, and also when business is a little more heavy they put trains in the classification yard or pit.

Q Now then, the utility man, you say, bleeds the cars and checks and marks them on the engineer's side. Then, when the engine arrives you and your crew start to work?

A Well, as I say, I either get lists of the train in the van or at the station.

Q That is what you call the switch list?

A The switch list. Then I call the Yardmaster that is in charge of that yard at Lambton and we check over the procedure of what trains he wants switched and at what times the trains are to be ordered from that yard, also he finds out what there is --

BY MR. SINCLAIR:

Q By that yard you mean the departure yard, not the receiving yard?

A No, the receiving yard.

BY MR. LEWIS:

Q You mean the yard which is illustrated on the map?

A No, there is a small portion of a yard on the right-hand side of the map, the receiving yard.

Q Then, having got that straightened out and having got your instructions, what do you and your helpers do then?

A We back on to the train that is to be switched.

Q The engine has arrived by then?

A The engine has arrived by then. The head-end man brings the engine on to the train that is to be switched.

Q What track would you go on, just so that we can follow it?

A Suppose we take Track No. 1.

Q Yes?

A You pull out of No. 1 and you might possibly have anywhere from 40 to 58 cars. We pull westerly.

Q Would you pull the entire track?

A We pull the entire track; we pull westerly on the main line and --

BY THE CHAIRMAN:

Q That is the main line to West Toronto?

A The main line to West Toronto.

BY HON. MR. MARTINEAU:

Q How would you get to the main line from

Track No. 1?

A There is a switch leading into the yard off the main line.

Q You pull those 40 cars in an easterly direction?

A No, a westerly direction.

BY MR. LEWIS:

Q How do you get to Track No. 1? Perhaps you would start a step earlier. From what direction do you come to couple on to your train?

A We come from the station, from an easterly to a westerly direction.

Q How is your engine faced then?

A Our engine is facing west.

Q So that you couple the cars on to the cab of the engine?

A That is right.

Q Then you pull in an easterly direction first, do you?

A No, we go in a westerly direction after we tie on to our train.

BY HON. MR. MARTINEAU:

Q Then you push it?

A No, we pull. We back in on the train first.

BY THE CHAIRMAN:

Q You are first on the main line to West Toronto facing west?

A That is right.

Q Then you back into Track No. 1?

A That is right.

Q And couple up on your train?

A That is right.

Q Then you are ready to go west?

A That is right.

BY MR. LEWIS:

Q You back in from the west going east, is that it?

A (No audible answer.)

BY HON. MR. MARTINEAU:

Q So your engine is at the left end?

A The left end of the train, yes sir.

I suppose I could have made it a little plainer.

Q There was one move I was missing.

A From the main line into the train.

BY MR. LEWIS:

Q Then you pull in a westerly direction along the Canadian Pacific main line to West Toronto; right?

A Yes sir.

Q What is the position of yourself and your two helpers at that point?

A The fieldman gets off at the main line switch and he stays there.

BY THE CHAIRMAN:

Q Is that shown on this sketch?

A Yes sir, it is.

Q Is that the switch that --

A There is a lead track that takes you down into No. 1, No. 2, 3, 4, 5 and 6.

Q That is the switch?

A That is the main line switch that leads there.

Q You have to keep in mind that when you are **answering**, the reporter must try to get it down and you should listen to the question and then give an answer. Let us not both talk at once because the reporter cannot possibly get it down. I think I know what you mean. The switch is located at the junction of the main line and then leads into Tracks Nos. 1 to 8; is that it?

A No, 1 to 6, at the right-hand side of your map.

BY HON. MR. McLAURIN:

Q The extreme right-hand side of the map?

A That is right.

HON. MR. MARTINEAU: How do you get there?

MR. SINCLAIR: I wonder if I could make a suggestion so that we can follow it. The yard that is partly on the grade separation at Millwood Road and to the east could be marked "receiving yard" and the other yard which is between Todmorden Road and Millwood Road could be marked "departure yard". Then if the witness would say he came out of the switch leading out of the receiving yard or the switch going into the departure yard we could then find where we are.

THE CHAIRMAN: Except, Mr. Lewis, that we are now on an engine or on a train that is proceeding west on the main line to West Toronto and suddenly we find ourselves back in the receiving yard.

MR. LEWIS: Yes, that is the point that had me wondering.

BY MR. LEWIS:

Q Do you mind if we start over again? Your engine came from the west? Right?

A It came from the west on the track at the bottom of the map, C.P.R. main line to Toronto.

BY THE CHAIRMAN:

Q That is up from John Street?

A Up from John Street.

BY MR. LEWIS:

Q And it was backing in?

A It was backing up.

Q The C.P.R. main line to Toronto, that is the

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third track, is it, from the bottom?

A It is the bottom track.

Q The one that is curved there?

A Yes.

Q At the very bottom, so you were going east and sort of north? Is that right?

A That is right.

Q And then you went ^{over} that cross-over between the C.P.R. main line to Trenton and the C.P.R. main line to West Toronto? Is that right?

A Yes sir, that is the cross-over.

Q The cross-over towards the right?

A That is it here, this one here.

Q And then when you got on the C.P.R. main line to West Toronto you did what, you do what?

THE CHAIRMAN: Proceed west.

BY MR. LEWIS:

Q You would proceed west along there?

A West to the switch leading into the receiving yard.

BY THE CHAIRMAN:

Q Tracks 1 to 8?

A Tracks 1 to 6.

Q Oh, I am sorry, the receiving yard.

MR. LEWIS: It is the second cross-over he goes across, sir, the last cross-over to the right.

BY MR. LEWIS:

Q Is that so?

A That is right.

BY THE CHAIRMAN:

Q All right, when you get on that main line to West Toronto you are heading west and what do you do?

A We go west to the switch off the main line that puts us into the receiving yard.

Q Suppose you identify that on the sketch with "A".

MR. LEWIS: Mr. Chairman, the witness is talking about the switch on the C.P.R. main line to West Toronto from which there is a track leading to the right, sort of northeast into the receiving yard.

THE CHAIRMAN: Put an "A" on that switch.

MR. LEWIS: Call that "A".

THE WITNESS: Then after --

THE CHAIRMAN: Just a minute. Mr. Fraser, would you let us see where that "A" is.

BY THE CHAIRMAN:

Q You are going to back up into the receiving yard?

A Back up into the receiving yard.

Q You have been talking about the receiving yard all along and not the departure yard, have you?

A Not yet; I am not to the departure yard yet.

Q That is where I was misled. You are now backing into the receiving yard and heading for what track?

BY MR. LEWIS:

Q That is the track No. 1 you were talking

about when you first started?

A That is right.

Q Track No. 1 in the receiving yard?

A Yes.

Q That is where the train that had come in the previous night had left the cars that it is now your job to switch. Is that right?

A That is right.

THE CHAIRMAN: For some reason I was in the departure yard.

MR. LEWIS: I don't think you can be blamed for that.

THE CHAIRMAN: Well, we are in the right pigeonhole now.

BY MR. LEWIS:

Q You backed onto your train which is on track No. 1 in the receiving yard?

A Yes.

Q And you pulled that train, if I may, back again where you had just come and you go west along the C.P.R. main line to West Toronto? Is that right?

A That is right.

BY HON. MR. MARTINEAU:

Q May I know where the front of the engine is pointing?

A West.

MR. LEWIS: He couples onto the track, My Lord, so that the cars are coupled to the cab of the engine, the rear of the engine.

BY MR. LEWIS:

Q Is that right?

A Right.

BY THE CHAIRMAN:

Q You are talking about a yard switcher?

A A yard engine.

BY MR. LEWIS:

Q And you then go back towards that same switch marked "A" and continue west along the C.P.R. main line to West Toronto? Is that right?

A That is right.

Q All right then, and at that point what happens to you and to your two helpers?

A The fieldman gets off at the switch marked "A".

Q Yes?

A He stays there until the train that we are taking is pulled out.

Q Pulled past the switch?

A Pulled past the switch.

Q What is the reason for that?

A To leave the switch in a normal position for -- in a normal position.

BY THE CHAIRMAN:

Q You mean by that closed so that a train on the main line will stay on the main line and not go into that receiving yard?

A Well, it could be that, sir, or a train that is coming from the east to West Toronto, that the switch will be in the normal position for that train.

BY MR. LEWIS:

Q Is this what you are saying, that your fieldman stays there in order to line the switch back again?

A Line the switch back.

Q Back again in an east-west direction instead of into the receiving yard?

A That is right.

Q All right. You pull the train past that switch and then where are you and your other helper?

A The other helper and I are on the engine.

Q With the engine as the train goes along west?

A That is right.

BY THE CHAIRMAN:

Q Whereabouts on the engine?

A On the steps.

Q In the front?

A No.

Q On the side, yes.

A The engineer's side?

A The engineer's side.

BY MR. LEWIS:

Q And what happens when your last car, the rear car is past the switch marked "A"?

A The fieldman lines it back.

Q And what does he do when he has done that?

A I probably made arrangements with him to go in a northerly direction, depending on the list of the trains that I am going to switch.

Q Suppose we take a concrete example, a recent

one from your own memory. What would you do? Just try to think of a switch and a number of cars and tell us which track in the departure yard you are aiming for eventually?

A Well, if I have a cut of Hamiltons --

Q Yes?

A I will tell the fieldman to go in a northerly direction to give me the room in No. 5 which I have allotted for trains going to Hamilton.

Q When you say No. 5 you mean track No. 5 in what we have marked as the departure yard?

A That is right.

Q And when you say "give me ^{the} room", what do you mean?

A I want --

BY THE CHAIRMAN:

Q Do you mean this, that as your train backs onto track 5 he will be there to indicate the place where the coupling is to be made?

A Well, maybe I was a little previous. When this train is pulling down the main line in a westerly direction and if I have 20 Hamiltons, we will say, next to the engine I will stop the movement east of the switch that is at the west end of the departure track.

Q Suppose we mark that "B". That is the last switch that is shown here before you get really off the plan?

A That is right.

Q Would you just say that again? You have got

your 20 Hamilton cars next to the engine and you are proceeding west on that main line to West Toronto and you stop where?

A I stop with the balance of the train clear or east of the switch marked "B".

BY MR. LEWIS:

Q What you mean by that is this, Mr. Baker, that you take the engine and the 20 cars past the switch marked "B" and your 21st car is east of that switch marked "B"?

A That is right.

BY HON. MR. MARTINEAU:

Q During that time is the fieldman riding the rear of the train?

A No, the fieldman is just opposite the switch marked "A".

Q He is still there?

A He is still there.

BY MR. LEWIS:

Q Does he stand at the switch marked "A" or does he, as you told us before, go up to track No. 5?

A He goes north of the track marked No. 5.

Q And he stands there waiting for you to back in?

A Yes, sir.

BY THE CHAIRMAN:

Q I assume he would stand at the west end of the most westerly car standing on track No. 5?

A Providing there is cars in there, yes, sir.

Q If there are cars in there and if not he is some place north of No. 5 waiting for you to

come in?

A With the 20 Hamiltons, yes sir.

BY MR. LEWIS:

Q All right. You have stopped the train with the 21st car east of the switch marked "B", and then what do you and the other helper who was with you on the engine do? What do you do at that point?

A The pin boy lines the switch marked "B".

Q Yes?

A Leading onto the lead.

Q Leading onto the departure lead?

A That is right.

Q Yes?

A While he is doing that I may be lining No. 3 or 4 or whichever switch may be wrong.

Q To get you to track No. 5?

A And then I line 5.

Q You line up your route from the switch marked "B" and all the switches on the way to track No. 5 in the departure yard which may require lining?

A That is right. I take up a position at the west end of No. 5 in the departure.

BY THE CHAIRMAN:

Q Who, you?

W.J.Baker

A I do, sir. I am in a position then to see my fieldman and also the man at the switch marked "B" .

BY MR. LEWIS:

Q Yes, and one or the other of you pulls the pin between the twentieth and twenty-first car?

A I do.

Q You did that before you went to line the switch, is that right?

A Yes, that is right.

Q And when all that is done, what do you do next?

A Give him a signal to back in.

BY THE CHAIRMAN:

Q Who gives the signal?

A I do.

BY MR. LEWIS:

Q You give the signal to the man, your helper, at the switch marked "B"?

A And he relays it to the engineer and the movement backs or goes in an easterly direction.

Q May I stop you for a moment there, Mr. Baker?

A Yes.

Q If you have your pin puller, as you people call him, at the switch marked "B", would it be possible for you to relay the signal to the engineer in the engine?

A Yes.

Q How could you do that?

A Well, first I would have to line the route into track No.5.

Q Yes?

A And then come back into position at No. B in order to give the engineer a signal to back up.

BY THE CHAIRMAN:

Q Could not the engineer see you from where he is on the main line, you being at the west end of track 5?

A No, he could not, sir, because there is a high bank that comes down there.

THE CHAIRMAN: All right.

BY MR. LEWIS:

Q If you have these 20 cars attached to the engine when you were pulling west along the Canadian Pacific Railway main line to west Toronto, do you reach the crossing marked Todmorden Road?

A If I remember correctly from the switch marked B to Tod morden Road holds approximately 18 to 20 cars, depending of course on their length.

Q And if you should be over the crossing at Todmorden Road does that present any difficulties to you?

A Well, there is a crossing there. It is protected by a bell and flashing lights.

W.J.Baker

Q Is this what you call the Pottery Road,
by the way?

A That is what I have always heard it called
but I see on the map it is marked Tod
orden, so I can only assume it is Pottery
Road, but it is the only crossing that is
the first west of B.

Q So at this point you have the engine over
near the crossing -- or if you have a car
or two more over the crossing with the
engineer and the fireman, your pin puller
is at the switch marked "B", you are at
the switch leading into track No.5 in the
Departure Yard, and your fieldman is somewhere
in the eastern part of track No.5 standing to,
as you call it, give you the room?

A That is right.

Q Is Todmorden Road a busy thoroughfare or
is it not?

A There is quite a bit of traffic over it.

Q Then you give the signal and this engine
and 20 cars goes to No.5, is that right?

A That is right.

Q What happens then?

A After we have taken the room we come out
with a light engine.

Q Back again?

A On to our train.

Q On to your train?

A Yes.

BY THE CHAIRMAN:

Q On the main line?

A Yes sir, on the main line.

BY MR. LEWIS:

Q And if I may, Mr.Chairman, I suppose then you repeat the same procedure with any of the other cars or cuts of cars for any of the other tracks?

A It is just a repetition, you might say, of the first move, although the way the cars are it may be -- it not only may be but it would be -- in a lot of cases , more switching.

Q What do you mean? What do you mean "more switching"? Just explain it a little more in detail?

A Well, for instance, we might allot track No.1 as yard cars to go to West Toronto. No.2 may be allotted according to the number of Torontos -- cars for Toronto -- on the switch list. We may use No.2 for those particular cars.

BY THE CHAIRMAN:

Q You are talking about the departure yard?

A Yes sir. No.4 being a shorter track we generally use that for East shorts such as Port Hopes, Oshawas, -- trains from West Toronto -- and back into No.4 and take the cars. No.5 being a longer track we use that for Hamiltons. No.6, 901's,

W.J.Baker

cars for London and Detroit.

Q If I may interrupt you at that point, because I do not think we need to take every track. I understand what you meant was that you would have to switch all these various cars in these various tracks?

A Into the proper alleys.

Q Pardon?

A Into the proper alleys.

Q According to their eventual destination?

A Their classification, that is right.

Q When you switch these cars in these tracks in this departure yard on Exhibit 203 can you just leave them there or is there any need for tying them down, as you people call it?

A No, they have to be tied down.

Q And who does that?

A The fieldman or the pin boy or myself.

Q What does that depend on as to who does it?

A It depends on whether the fieldman is back or whether he is taking room in another siding or he may be tying a brake on cars in another track.

Q Do you as a team of three work together until you have finished all your work in one track or do you sometimes work on more than one track?

A Well --

Q The three of you, that is to say?

W.J.Baker

A Well, we try to save the fieldman's legs and a little time. We generally take the room in all the sidings so that we know how much room we have.

Q What does he do, report to you as what to what he calculates the room to be, or what?

A No, we put cars on a track and we shove them until we are clear of adjacent tracks. We could shove them east. We stop clear so that trains or movements can be made at the east end.

Q Yes, and does that mean that your fieldman, for example, might be working tying down cars on one track while you are shoving or backing into another track?

A That is right.

MR. LEWIS: I am sorry to be leading, Mr. Chairman, but I am endeavouring to assist the Commission.

THE CHAIRMAN: It is quite all right.

BY MR. LEWIS:

Q Or may it mean that the fieldman might be giving the room on this other track while you or the pin boy are tying down cars? Is that what you meant -- that sometimes it is one and sometimes it is the other?

A Yes, either I or the pin boy could be tying down one track while they are

W.J.Baker

backing up into another.

Q Either you or the pin boy could be tying down one track while they are backing up into another -- you mean backing some cars into another?

A Yes.

BY THE CHAIRMAN:

Q Do you tie down every car or just the car at each end?

A No, we generally put two or three brakes on the east end cars.

Q That is the direction in which the grade slopes?

A Yes, it goes down easterly.

BY MR. LEWIS:

Q Now, in all of the switching movement, Mr. Baker, do you have one of your men following the engine?

A Well, he is called an engine follower but he does not stay on that engine all the time.

Q Have you ever received any instructions that one of your crew must be with the engine all the time?

A Not to my knowledge.

Q Would you indicate to the Commission, Mr. Baker, looking at this sketch, how the work would have to be carried on if one of your crew stayed with the engine as you travelled west along the Canadian Pacific Railway main line to West Toronto and over Todmorden Road when you have to do so?

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W.J.Baker

A Well, if one man had to be riding the engine all the time -- well, it certainly cuts down the amount of work that we can do.

Q Why?

A Why?

Q Yes, just indicate in detail why, Mr.Baker?

A Well, I would have to make smaller cuts. I would be working, you might say, by myself because the fieldman -- he is maybe 40 or 50 or 60 car lengths away.

Q What would you have to do when you are working by yourself, Mr. Baker, if one of your crew does not stay with the engine?

A What would I have to do if the pin puller was on the engine?

Q Yes. You said you would be working by yourself. What would be the tasks you would have to do by yourself?

A Cutting cars off, opening knuckles, and tying brakes on. Throwing switches.

BY HON. MR.McLAURIN:

Q Walking back to point "B" at certain stages to give the signals?

A That is right.

Q Switch "B", I mean?

A Yes.

BY MR. LEWIS:

Q Now, suppose you had some cars to put in the top tracks, tracks No.7 or 8. Would this

problem of giving signals to the engineer without a man at point "B" -- would that be possible?

A Oh yes.

Q At the switch marked "B"?

A Yes, it is possible; certainly.

Q What would you have to do to make it possible?

A Well, I would just have to take a few cars and shove in -- tie them down and shove in.

Q What do you mean by a few cars?

A Well, at that particular spot the bank comes down -- where the bank comes down it restricts your view -- and when I am standing at No.5 I can just see the engine with about 20 cars.

Q Yes?

BY THE CHAIRMAN:

Q Just see the engine and 20 cars standing on the main line?

A Yes. Yes, sir.

BY MR. LEWIS:

- Q If you are at Track No. 7 or 8?
- A Well, of course, the farther you shove down the more the engine comes into view.
- Q Now, Mr. Baker, as yard foreman do you have any other duties than those you have described of lining switches and working with your helpers in placing these cars?
- A Yes, we have a phone at the west end of the departure yard. I talk to the Yardmaster on different moves, different cars, or cars that he wants for trains that he has ordered. Sometimes by giving him numbers of cars that he wants to use as a fill-out for more tonnage for departing trains --

BY THE CHAIRMAN:

- Q May I ask this, Mr. Baker, when you are standing at the lead switch on No. 5 track, say from that point to the main line at B, how many cars would that part of the lead hold?
- A I figure about 20 cars from No. 5 that I can see the engineer, if I am back 20 cars.
- Q You are at 5, the switch at 5?
- A Yes, sir.
- Q From that point you can see 20 cars to the engineer?
- A That is right.
- Q Where would the engine be standing?
- A On the main line, he is out on the main

line possibly four or five car lengths.

Q Thank you.

BY MR. LEWIS:

Q While you perform these duties of getting in touch with the yardmaster, does all movement stop or does the work go on, or how do you do?

A No, the work goes on.

Q The other two men carry on that work?

A To a point.

Q What do you mean "to a point"?

A Well, I would not expect them to take a large cut of cars; that is one of my duties, of making cuts the way I figure is the easiest and the best way to get rid of them.

Q But if they have already received instructions from you as to the way to make a cut and so on, they can carry on while you do your phoning, is that it?

A Yes, but I do not as a rule leave them long.

Q You do not as a rule leave them that long, did you say?

A Yes, not only that but after we have switched, we will say maybe a cut of cars, then we prepare for the next cut of cars by tying the cars and kicking them off in an easterly direction so that when we take another cut of cars into the switch we do not have to shove with 15 or 20 cars. We can start switching, and everything is going into clear.

Q Just to complete that part of the story, when you have finished switching the train that you pull out of the receiving yard into the various tracks of the departure yard -- just to speed this up, Mr. Chairman -- I assume you go back to the receiving yard and pull another train and do the same thing over again, is that right?

A That is right.

Q If there are no more questions about this, sir, I am going on to another spot.

THE CHAIRMAN: A new exhibit, Mr. Lewis?

MR. LEWIS: Yes, sir, Exhibit 204.

THE CHAIRMAN: It will be a sketch of what?

MR. LEWIS: This is a sketch which we have headed "G. Solway and Sons Limited".

THE CHAIRMAN: This is West Toronto, is it?

MR. LEWIS: Yes, it is West Toronto. It is the stretch, I am told, between Bloor and Keele Street -- at least, it came off a map which is marked "Bloor Street to Keele Street", it may not be exactly between.

EXHIBIT No. 204 -- Sketch of
yard at G.
Solway and
Sons Limited.

BY MR. LEWIS:

Q Have you worked the switch at Glidden and

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β . It is shown that the system has solutions for all values of the parameters α and β if the function $f(x)$ is continuous and has a bounded derivative.

2. In the second part of the paper the problem of the uniqueness of the solutions of the system (1) is considered. It is shown that the system has a unique solution if the function $f(x)$ is continuous and has a bounded derivative, and the matrix $A(x)$ is positive definite.

3. The third part of the paper is devoted to a study of the properties of the solutions of the system (1) for arbitrary values of the parameters α and β .

4. In the fourth part of the paper the problem of the stability of the solutions of the system (1) is considered. It is shown that the system is stable if the function $f(x)$ is continuous and has a bounded derivative, and the matrix $A(x)$ is positive definite.

5. The fifth part of the paper is devoted to a study of the properties of the solutions of the system (1) for arbitrary values of the parameters α and β . It is shown that the system has solutions for all values of the parameters α and β if the function $f(x)$ is continuous and has a bounded derivative.

* * *

and at Solways, Mr. Baker?

A Yes, I have.

Q How long ago?

A It must be about a year ago.

Q Then, will you describe the move to Solway and Sons Limited. Where do you come from with your cars?

A We come from the north, from the left-hand side of the sketch.

Q On which track?

A On the track that is at the centre of the page, the Canadian Pacific Bruce lead.

Q The one that is marked Canadian Pacific Bruce lead?

A Yes.

Q How is your engine facing and how are your cars attached?

A The engine is facing east with the cars on her nose.

BY THE CHAIRMAN:

Q Now, wait a minute. You are coming from the north to the south?

A Yes.

Q How does your engine face east?

A Well, it is facing east at Keele Street.

Q But as you are coming down from the north in this sketch, is the cab first or the nose first?

A No, the nose is first.

BY MR. LEWIS:

Q How are the cars coupled, to what end of the engine?

A To the nose and sometimes to the cab.

BY THE CHAIRMAN:

Q Sometimes you pull and sometimes you push, then?

A Yes, sir.

BY MR. LEWIS:

Q All right, suppose we take one of these at a time. Assume you have them attached to the cab and you are pulling?

A The ones that are pulled they are for industrial sidings that we back into. The cars that are on her nose are for the sidings that we shove into.

Q Which do you do at Solways?

A We shove into Solways.

Q So, we are interested here with the engine facing southeast, as it were, and cars attached to the nose being shoved into Solways?

A Yes, sir.

Q The engineer in that case would be in the cab towards the south or the bottom of this sketch and the fireman on the side of the cab towards the top of the sketch?

A That is right.

Q Then, you come along this Canadian Pacific Bruce lead, and take us in, will you?

A I beg your pardon?

- Q Take us into Solways?
- A Solways is a firm which handles scrap metals, scrap iron, and some of the cars are box cars which are loaded at the ramp.
- Q That is marked on the map towards the left of the square called "G. Solway and Sons Limited"?
- A Yes, and the scrap iron and scrap rails are loaded in the gondolas.
- Q In gondolas?
- A Yes, sir.

BY THE CHAIRMAN:

- Q I am not sure about that. The box cars that are loaded at the ramp, that is stuff going out from Solways?
- A Or coming in.
- Q Or coming in?
- A Yes.
- Q What did you say about the gondolas?
- A The scrap rails and cast iron are loaded in the gondolas.
- Q Are they going out or coming in?
- A Going out and coming in, both.

BY MR. LEWIS:

- Q In other words, what you are saying is that there are two types of cars that you deal with there, box cars and gondolas?
- A Yes.

BY THE CHAIRMAN:

- Q Are they all empty going in?

A Not always, sir, no.

THE CHAIRMAN: I am sorry, Mr. Lewis.

BY MR. LEWIS:

Q Then, you are going in shoving these cars, some box cars and some gondolas along the Canadian Pacific Bruce lead. Then, what happens? Where do you go from there?

A Solways may have a load to come out and a load going in, an empty going in or empty coming out, either gondolas or boxes, so we shove in.

Q Some one goes off and throws the switch to take you to your siding?

A Yes.

Q And you shove in, and what happens?

A Well, the curvature there, if a man is on top of a car next to the engine, the engineer cannot see him.

Q Cannot, or can?

A Cannot.

Q What do you do when you work that job?

A If there was not too much scrap on the right-hand side of the track, we could position a man to give signals on the engineer's side. Otherwise, the fireman, in my experience, I have seen him watching to see the room that may be when we shove in.

Q What do you mean, "watching the room"?

A Well, to see how far away we are from the other cars.

Q Who was giving signals to whom if you had too much scrap on the right?

A Well, I would have a fieldman up on the car that was going to be coupled and a head end man on the car next to the engine. I had walked previously to see that the track was clear, that there were no gangways that were foul --

Q No obstructions?

A No obstructions.

Q And you have a man, you say, on the sort of lead car; is he on top of it?

A If it is a box car, yes.

Q And if it is a gondola?

A Well, he would have to be on top of the car, then, the box car that was closest to the gondola.

Q Then you have a man, you said, on the car next to the engine at the same time, is that right?

A No, the fieldman, for shoving in, you had a gondola and two or three boxes, the fieldman would be making the join, the head end man would be on top of the box car closest to the engine.

Q Yes, and whom would he relay his signals to?

A The fireman was getting the signals when there was too much scrap on the side of the track, in order to make the movement.

Q And he was getting the signals from the man

positioned where?

A On top of the car.

Q Was your experience that there was scrap to the right of the track pretty often, or was that an unusual thing?

A Well, it is not unusual.

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BY HON.MR.McLAURIN:

Q How many cars could you take there? You would not have more than three or four cars going in there, would you?

A The ramp sometimes has two boxes and sometimes three, and there may be two gondolas of scrap iron.

Q As many as five?

A Yes, and of course we might have a car, an extra car for a siding further down, the next siding .

MR. LEWIS: Then to describe another move which I think may be of interest to the Commission, I would like to file as Exhibit 205 a sketch which is marked on the righthand bottom "Hydraulic Metal Company".

EXHIBIT NO.205: Sketch of Hydraulic Metal Company siding.

THE CHAIRMAN: What is this, Parkdale?

MR. SINCLAIR: This is the same move as the other.

BY MR. LEWIS:

Q It is the same engine, is it not?

A The same engine.

Q As I remember the map, they are relatively close to each other?

A Yes.

Q Rowntrees Limited, Mathews Bros., Hydraulic and Solways, they are all relatively close

The first of these is the fact that the
 system is not a simple one, but a complex one.
 It is a system of many parts, each of which
 has its own function, and all of which are
 interrelated.

The second of these is the fact that the
 system is not a static one, but a dynamic one.
 It is a system that changes and grows, and
 it is a system that is constantly being
 modified and improved.

The third of these is the fact that the
 system is not a closed one, but an open one.
 It is a system that is constantly interacting
 with the outside world, and it is a system
 that is constantly being influenced by it.

The fourth of these is the fact that the
 system is not a simple one, but a complex one.
 It is a system of many parts, each of which
 has its own function, and all of which are
 interrelated.

The fifth of these is the fact that the
 system is not a static one, but a dynamic one.
 It is a system that changes and grows, and
 it is a system that is constantly being
 modified and improved.

The sixth of these is the fact that the
 system is not a closed one, but an open one.
 It is a system that is constantly interacting
 with the outside world, and it is a system
 that is constantly being influenced by it.

The seventh of these is the fact that the
 system is not a simple one, but a complex one.
 It is a system of many parts, each of which
 has its own function, and all of which are
 interrelated.

The eighth of these is the fact that the
 system is not a static one, but a dynamic one.
 It is a system that changes and grows, and
 it is a system that is constantly being
 modified and improved.

The ninth of these is the fact that the
 system is not a closed one, but an open one.
 It is a system that is constantly interacting
 with the outside world, and it is a system
 that is constantly being influenced by it.

to each other, within the one area.

A Yes, that is right.

Q Now, just as briefly as you can, Mr. Baker, because I think this point need not take long, would you tell the Commission how you get to Hydraulic Metal Company; what line are you on and which way are you going?

A On the same Canadian Pacific Bruce lead heading in the south easterly -- the engine headed south easterly.

Q Nose ahead?

A Nose ahead.

Q And the cars are coupled to which end of the engine?

A On the head end of the engine, on the nose of the engine.

Q So you are again shoving, is that right?

A That is right.

Q You go along the Canadian Pacific Bruce lead; how many cars would you have at that time, do you remember?

A We may not have any, going down light. We do not try to hang on to any cars when we go into Hydraulic if we can possibly get out of it.

BY THE CHAIRMAN:

Q You do not try to what?

A Hang on to any cars, have hold of any cars when we shove into the Hydraulic.

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BY MR. LEWIS:

- Q Would you usually go in to take cars out?
- A Yes, to take cars out and re-position cars that they were loading or unloading.
- Q I suppose on occasion you would have to take empties in?
- A Yes, we did.
- Q So you go along that line, that Canadian Pacific Bruce lead. How do you get to the Hydraulic Metal Company, just go straight along?
- A Straight along.
- Q Just explain which line you go along.
- A On the Canadian Pacific Bruce lead.
- Q Straight into Hydraulic Metal?
- A Straight into Hydraulic.
- Q What was the point you wished to bring to the Commission's attention at the Hydraulic Metal plant that faced you as yard foreman in that situation?
- A Well, just that scrap is on the banks along the track and sometimes we move as high as 20 or 25 cars to pull out of there in order to make the switch that is required. So therefore the signals are given to the engineer. But the point is that we look the situation over as we are walking down for scrap that may interfere with a car or cars.
- Q You say you look for it; what happens sometimes?
- A Of course if there is scrap under the cars then

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we get the workman from the Hydraulic to clean it out from under the cars.

Q You have gone in with a light engine, no cars; you have gone into the Hydraulic Metal and perhaps you would couple on to some cars there, would you?

A Yes sir.

Q Sometimes, as you have said, as high a number as 20 or 25?

A Yes.

Q Then what would you do, back up?

A After we got the switch list or the way the Hydraulic Metals foreman wants the cars placed, then we back up and make the moves according to the list.

Q Where are you and your two men then stationed, on the engineer's side?

A I beg your pardon?

Q Are you stationed on the engineer's side?

A We are stationed on the engineer's side.

Q Just what do you do?

A Well, you asked me, Mr. Lewis --

Q Where are you stationed? What is your job there? What are the jobs of the other men? That is what the Commission is interested in knowing, just exactly what every member of the crew is doing.

A Well, the pin boy can be one or two cars back from the engine, three or four cars back. The fieldman and I generally catch

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the tail end car, the last car coming out, and we back out and make our switch or switches.

Q Throughout this move I understood you to say the signals are given on the engineer's side directly to the engineer.

A That is right.

Q What was the problem about the scrap that you mentioned, I just did not get that?

A I said when we come in we look the track over as carefully as possible and the way the bank is situated, right down, you cannot walk on the -- a lot of places you cannot walk on the fireman's side to see.

Q To see what?

A If any scrap is left along the track on the fireman's side.

Q Have you or have you not had experience with trouble with scrap falling foul of the tracks?

A Yes, I have.

Q What has happened, what has been the nature of your experience?

A Derailed a car. The scrap was on the fireman's side and we couldn't get down to see it and it kept catching on, one piece and another, until it put the car off.

BY THE CHAIRMAN:

Q I cannot quite follow this. What is the

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significance about not being able to walk on the fireman's side. Apparently nobody could see it if a derailment took place.

A The lay of the land there is that the bank comes down and there is hardly room for the journal boxes of the car to go up.

Q I appreciate that and perhaps you can clear it up.

BY MR. LEWIS:

Q What the Chairman wants to know is if that is the case, as you say, that there is hardly room for the journal boxes, then as I understood it, this scrap might roll down the bank and foul the track; is that right?

A Yes, that is right.

Q Is it possible for anyone to do anything about a derailment if that is the case, if the scrap just rolls down?

THE CHAIRMAN: Or it may be lying there.

BY MR. LEWIS:

Q Or maybe lying there?

A Yes, it is lying there. Let us take it one at a time. Suppose it is lying there, can you or can the engineer or can the fireman -- the engineer obviously could do nothing as he is on the other side -- but can you or any member of your crew or the fireman do anything about scrap that is lying on the fireman's side of the track?

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A Well, no matter how carefully you look and what you figure the journal boxes may clear, there are pieces sticking up and sometimes it seems to snowball. In other words, the scrap gets bigger in proportion and it has derailed cars.

Q Mr.Baker -- Mr. Chairman, I will withdraw this if it is objectionable -- you are not helping the Commission. Let me put it to you this way: If the fireman is on the engine and there are members of your crew on the engineer's side, and what you have just described happens, is the fireman of any use to you in his position. Can he do anything? Will you explain that from your experience. That is what the Chairman wants to know, whether he can be of any help to you or not?

A Well, watching on the fireman's side to see that there was not -- if the cars were coming and to see there is no derailment.

Q How can he do that?

A By watching along his side.

Q Suppose he sees some metal coming down this bank or some metal getting into the journal boxes or fouling the track or anything, what can he do; is there anything he can do?

THE CHAIRMAN: Stop the movement, I suppose.

THE WITNESS: Yes, he could stop the movement.

HON. MR.MARTINEAU: He could tell the

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engineer.

THE WITNESS: That is right.

MR. LEWIS: Are there any other questions on that point, sir? Then as Exhibit 206 I should like to file a sketch which is not headed anything but which could perhaps be identified as Osler Avenue, which is an avenue going east and west, well let me call it east and west, to the north of the map.

EXHIBIT NO.206: Sketch, Osler Avenue.

BY MR. LEWIS:

Q Now, Mr. Baker, have you had experience with the area shown on Exhibit 206 which you now have in your hand?

A The same job.

Q That is still the same engine and the same job? Is that right?

A Headed the same way.

Q And do you still come from what we will call the west because it makes it easier, from the west shoving cars?

A No, we come from the south.

Q From the south, which is what, to the right of the map?

A To the right of the map.

Q Perhaps we might call it east for convenience.

THE CHAIRMAN: Well, it is pretty difficult because there is a direction indicator there now.

MR. LEWIS: We had better call it from the south.

MR. SINCLAIR: We had one experience with that. I have a very vivid recollection.

MR. LEWIS: So have I.

BY MR. LEWIS:

Q You come from the south along what track, Mr. Baker?

A That track that is below Osler Avenue, the track that is in the direction north and south.

THE CHAIRMAN: That is the interchange

track.

MR. LEWIS: The one marked towards the right as "C.P.R. interchange track".

MR. MUNDELL: There is a number "9" or what looks like "9".

THE WITNESS: That is what they call a pot signal.

MR. MUNDELL: It is the track just immediately below that.

MR. LEWIS: You are talking about this track below the pot signal.

THE CHAIRMAN: That is the C.P.R. interchange track.

MR. LEWIS: That is right, sir.

THE CHAIRMAN: They are all identified.

BY MR. LEWIS:

Q Towards the right there is "C.P.R. interchange". That is the one you were talking about?

A That is the C.P.R. Bruce lead that runs into the interchange, but that is all right.

Q You come along there with the engine facing north?

A No, the engine facing south.

Q Pardon?

A The engine facing south.

BY THE CHAIRMAN:

Q So it is backing up?

A Backing up.

BY MR. LEWIS:

Q And the cars attached to the cab of the engine?

A That is right.

Q Will you take us along that track? Where do you take us to? There is a pot signal, I see?

A Yes.

Q You go past that if you are permitted to?

A And north where it says "C.P.R. north main line to MacTier".

Q Yes?

A Up back over that Weston road crossing until the engine is clear of the signal lights.

Q Which are where?

A Just below where it says "MacTier" there is a light in there.

Q Yes?

A Signal indication light and the switch is operated from the signal tower.

Q Which is shown, is it?

A Yes, it is shown there about the centre.

Q Almost under the letter "O" of the word "Osler", just a little to the left of that?

A Yes.

Q In the centre of the sketch. Is that right, Mr. Baker?

A That is right.

Q Now, you go over Weston Road. Is that crossing protected?

A Yes, gates and bell.

Q There is no flagging necessary there then?

A No, the fieldman and I ride the leading car.

Q Yes?

- A The head end man on top of the first box car next to the engine.
- Q And then when you have cleared that signal and got the signal that let you go, where do you go then?
- A We go east around towards Osler Avenue.
- Q You are now pulling the cars?
- A Yes.
- Q You are pulling the cars along this C.P.R. north main line and around that curved track, is it?
- A Around that curved track.
- Q Towards Osler Avenue? Right?
- A That is right.
- Q And your destination is what?
- A Well, our final destination is Keele Street.
- Q Now, I notice there is Osler Avenue. Is that crossing protected?
- A Yes, gates and bell.
- Q And there is a school shown towards the right at the top of the sketch. Do you know what school that is?
- A Yes, sir.
- Q What is that school?
- A I think it is St. Rita's School. I am not sure.
- Q Then there is a playground shown. Is that attached to the school or something separate from the school?
- A It is all in the same -- it is in the same area, attached to it.
- Q And do you know whether there is or is not

another school in the vicinity not shown on the sketch?

A I believe there is one up on the left-hand side there, Perth Avenue. I am not positive. I haven't been up there.

Q Then you go up in the direction of Keele, and where are all your people at that time? The head end man you say is on top of the car?

A Yes.

Q Behind the engine?

A Yes, the fieldman and I still on the tail end car, the last car.

Q And what in your opinion is the value, if any, of having someone else in the cab making this move up east towards Keele?

MR. SINCLAIR: Towards Keele?

THE WITNESS: No, that would be east onto the main line going to Trenton. We pull around.

BY MR. LEWIS:

Q I am sorry, you said your destination was Keele?

A Our final destination.

Q You have to go back again, up towards this line, toward Osler?

A That is right.

Q What is the value, if any, of having someone on the left-hand side of the cab of the engine as you are making this move or going along here?

A Well, there is a curve, a sharp curve, leading

around to Osler Avenue.

BY THE CHAIRMAN:

Q Would you speak up a little bit?

A A sharp curve leading around to Osler.

Q Leading around Osler?

A Leading around to Osler Avenue.

BY MR. LEWIS:

Q That is shown on the sketch?

A That is right, and just east of the crossing, Osler Avenue, industrial sidings with sometimes engines working, sometimes with light engines standing waiting to get in.

Q Yes?

A Pedestrians crossing, no trespassing, of course.

BY THE CHAIRMAN:

Q Pedestrians crossing where?

A From these industries along there. That would be east of Osler Avenue.

Q That is after you have crossed Osler Avenue?

A Yes, sir.

Q But the curve is before you get to Osler Avenue?

A That is right.

Q When you cross Osler Avenue you are on the west main line?

A That is right.

BY MR. LEWIS:

Q Do you know whether the company has or has not taken precautions to protect against trespassers and people walking across the rails and so on?

A Yes, I believe they have. I believe there is a man patrolling that area.

Q Patrolling the track?

A Yes.

THE CHAIRMAN: Where do you understand this pedestrian walking to be?

MR. LEWIS: I understand it to be from the industrial buildings to the left which would be sort of northeast, but on the sketch to the left of the C.P.R. track groing across Osler and sort of diagonally to the right side.

BY MR. LEWIS:

Q Would that be right, coming across like this?

A That is right.

MR. LEWIS: Take, Mr. Chairman, the sort of "L" just to the left of the track as an example, as an industrial building. There are people going across the tracks diagonally towards Osler Avenue in a right direction on the sketch.

HON. MR. McLAURIN: I suppose this all adds up to this, that there is a curvature and it is an area where there is industrial activity and people are moving about and, further, that there are some schools where children play about and a fireman on one side of the cab might protect somebody from getting hurt.

MR. LEWIS: I could not have put it any better, sir, only I could not put it that way to the witness without being stopped.

THE CHAIRMAN: You have not been

stopped yet, Mr. Lewis.

MR.LEWIS: From which I gather there were occasions when I might have been. In any event, that is the point.

BY MR. LEWIS:

Q The sketches we have filed through you, Mr. Baker, and the problems which they indicate or you say they indicate, from your work in the Toronto Terminals are they examples of something that is representative or are they in a class by themselves?

A No, that is the procedure, the day by day procedure.

Q And the problems which these sketches indicate, the scrap at Hydraulic Metal and the scrap at Solway and the crossings and industrial sidings in this Osler Avenue sketch, that kind of thing --

HON. MR. McLAURIN: Are they typical?

BY MR. LEWIS:

Q Are they typical of your daily work in your experience or are they unusual?

A No, it is typical.

Q And, Mr. Baker, in your experience as a yardman and yard foreman -- oh, by the way, you have been listening to the evidence? You have been sitting in the courtroom for some days?

A Yes, sir.

Q And you gave evidence last year before the Board of Conciliation? Is that right?

A Yes.

Q And from your experience as a yardman and yard foreman and having heard the problem which has been put to the Commission for determination, would you express your opinion, if you have any, as to the usefulness of a helper on the left side of a diesel engine in yard service?

A Well, the work can be done in my estimation but --

Q The work can be done how? You said the work can be done. The work can be done when and how?

BY THE CHAIRMAN:

Q You mean the work can be done without a fireman but -- is that what you were going to say?

A Thank you.

Is that what you were going to say?

A The work can be done in my estimation, yes, but it will slow the movements down, the work down.

THE CHAIRMAN: That apparently was what the witness was going to say.

BY MR. LEWIS:

Q You are saying that the work can be done without a fireman, but in your estimation it would slow the movement down?

A Yes, that is right.

Q Have you any opinion as to the usefulness of the firemen on the left side of the cab of a diesel engine with regard to safety?

A Well, as far as I am concerned, I like the engineer looking at me when I am giving signals and if he is pulling out -- and I want to make a cut or if anything happens -- I want him looking at me.

Q What does that mean? How does that relate to firemen?

A Well, if he is not watching me and feeling for room, as it were, or seeing how close he is to different things, then he is not watching me.

Q And if he is watching you, has or has not the fireman anything to do?

A Well then, the fireman would be telling him how close he was to something or the happenings at the front of the engine.

MR. LEWIS: I think that is all, Mr. Chairman.

MR. SINCLAIR: Perhaps we could take a

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W. J. Baker

ten minute recess. I would just like to run through my notes and I think I can be fairly short.

THE CHAIRMAN: All right.

-- The Commission took recess.

-- After recess.

BY MR. SINCLAIR:

Q Mr. Baker, you do not have a copy of the set of sketches that Mr. Lewis filed through you. I think it would be easier, Mr. Baker, if you had a set. Perhaps you could use the copies supplied to the Commission. I am referring to Exhibits 203, 204, 205 and 206.

Now, Mr. Baker, looking at Exhibit 203, that is the west end of the Receiving Yard at Leaside and the Departure Yard at Leaside. You have that exhibit before you?

A That is right.

Q Now, you say that your engine comes light from John Street and meets your crew at Leaside.

A That is right.

Q And when the engine comes light, that is it is moving without any cars at all and it has on it at the present time the engineman and the fireman? Is that correct?

W.J.Baker

A That is right.

Q That engine could be brought over not working by another engine or as part of a train and set out at Leaside and the whole crew could start there, could it not?

A That is right.

Q Or another way would be that the engine instead of coming from John Street could come from West Toronto and the crew could get on there -- the whole of the yard crew?

A At West Toronto.

Q Yes?

A Yes, it could.

Q On this switching move you say that after you come out of the Receiving Yard down to the westbound main line -- that is, the main line to West Toronto -- the fieldman closes the switch at point "A"?

A That is right.

Q And you are protected when you are working there by the operator of the signal which is shown on Exhibit 203, on the main line there, just east --

A Of "A".

Q Just east of "A"?

A Yes.

Q I think on this map it is about the middle of Millwood Road. I think it is a little west of that actually, is it not?

W.J.Baker

A No, it is east.

Q A little east?

A Yes, I believe it is.

Q It is east of point "A" but in any event it is close enough and in this map it is shown about the middle of Millwood Road?

A Yes.

Q So you are protected in working on that line which is protected by the operator of the signal, controlled by the Leaside station operator?

BY THE CHAIRMAN:

Q Millwood Road apparently is not through at that point?

MR. SINCLAIR: No, it is a grade separation. There is a subway there.

BY MR. SINCLAIR:

Q The tracks are on the top of the subway, correct?

A That is right.

Q And the operator controls that signal to protect you on the west main line?

A How do you mean "protect"?

Q You are holding the main line here?

A That is right. The next movement can get a call on light.

Q You say that after you come out on the west line your engine is pointed west. Your fieldman waits till the cut is cleared

W.J.Baker

and then he walks north to the various
tracks in the Departure yard?

A Right.

Q And the engine follower and yourself are riding the engine down to the west at that time?

A That is right.

Q Now, once the fieldman has checked the room in the various tracks in the departure yard, and after he has tied down one or two cars, then he could come up to where your movement is and assist in switching?

A That is right.

Q And the way you do this is that you have a few cars, two or three maybe, at the easterly end of these tracks, these classification tracks on which you are going to push cars or kick cars, and you make sure there are two or three of them tied down, the brakes are put on, so you can switch up against them without running?

A That is right, without them running out.

Q Then if, in kicking them down from the lead in these classification tracks, if the couplings do not always make and you need a little more room, you come in and push them together with the fieldman going down to make sure the joins are made?

A That is right.

Q Now, Mr. Baker, on these moves here, as long as you do not take more than 18 to 20 cars, you would not foul Todmorden Road?

A Depending on the length of the cars.

Q Yes, if you had some flat cars?

- A Or 54 or 65-foot gondolas.
- Q If you had some big ones, that would reduce the number of cars you could take?
- A That is right.
- Q And when you are talking about 18 or 20 cars, you are talking of --
- A Forty-foot.
- Q Forty-foot boxes?
- A Yes.
- Q And sometimes with some other cars in the complement, you might have 15 or so, is that what you have in mind?
- A Yes.
- Q If you had a cut of cars, we will say 15 cars or 18 or 20, whatever you like, say 15 cars, and you stopped east of point B and cut them off?
- A Right.
- Q You cut them off east of point B?
- A That is right.
- Q You get the Pin?
- A Right.
- Q Your engine follower stays with the engine?
- A Gets off at the switch.
- Q I am asking you to follow through with me.
- A I beg your pardon.
- Q You make the cut east of point B and the engine follower stays with the engine. You ride the cut up and detrain at point B?
- A Yes.

Q That can be done?

A That can be done.

Q You then throw the switch at point B?

A Yes.

Q Giving the signal direct to the engineman himself; that can be done?

A Yes.

Q Then, the engine follower is still with the engine, and you ride the cut up the lead keeping the engine follower in view as you ride the cut up?

A Yes.

Q Lining the lead if necessary, and if any swing movement down at Track 5 --

A Right.

Q Getting the switch at Track 5 and pushing back in?

A Yes.

Q That can be done?

A That can be done.

Q Now, looking at the next -- before I leave that Exhibit 203, just to complete this -- I think you said there was a phone booth over near that hill?

A That is right.

Q Just a little, shall we say, true north of the switch point B; just right in there?

A Yes, it is about between 2 and 3 switch, north of that.

Q Up against the bank?

- A Well, quite possibly ten feet or fifteen feet from the track.
- Q Ten or fifteen feet from the lead?
- A Yes.
- Q And that phone booth enables anyone to contact the operator in the Leaside Station or to get in touch with the yardmaster?
- A That is right.
- Q Now, looking at Exhibit 204, would you please. That is what is known as the Industrial East assignments, as a matter of fact, 204, 205 and 206, they were all on the Industrial East assignments?
- A That is right.
- Q And on this one you are saying that at times the scrap of Solway and Sons Limited gets down close to the rail?
- A I did not say the scrap at Solways gets close to the rail.
- Q I am sorry, no.
- A No.
- Q Quite right, Mr. Baker; thank you very much. What you said was that sometimes the scrap gets down into the area which is close to the lead?
- A That is right, piles of scrap.
- Q And at those times you had a little difficulty about positioning your crew so that you could relay signals direct to the engine?
- A That is right.

THE CHAIRMAN: I am not quite following this. Where did you say these piles of scrap are?

MR. SINCLAIR: The witness said that on this move, they were going to push --

THE CHAIRMAN: I know, but where are the piles of scrap?

MR. SINCLAIR: The scrap is marked on Exhibit 204 where the word "Scrap" is. The witness said sometimes it extended down farther to the south where the word "Scrap" is on the track going into Solway and Sons Limited.

THE CHAIRMAN: What do you call the lead?

MR. SINCLAIR: The Bruce lead on the Canadian Pacific.

THE CHAIRMAN: And the scrap may extend all the way from the word "Scrap" right down to the lead?

MR. SINCLAIR: I do not believe the witness said it went right down to the lead, part way down, closer to the lead than is shown on Exhibit 204.

THE CHAIRMAN: That is shown by the word "Scrap" on 204?

MR. SINCLAIR: That is right.

THE CHAIRMAN: As I understand him, the "Scrap" is on the east side of the siding where the men walk.

MR. SINCLAIR: That was the next

exhibit you are thinking of, Hydraulic Metals Limited, which is 205. I have not come to that one. Exhibit 204 is Solway and Sons Limited.

BY MR. SINCLAIR:

Q You were saying some scrap extended down farther south and along the lead, and at that time it was difficult for you to position your men so that they could relay signals from the ground to the engineman?

A Not only piles of scrap, but the machine that they use for lifting bales and so on, the crane.

Q The crane would come down in there and make it difficult for you to position your men properly, is that what you are saying?

A That is right.

Q And on those occasions, what would you do, take shorter cuts or what would you do?

A No, we would use the fireman.

Q Now, Mr. Baker, do you know that the company has had its safety man from Toronto Terminals dealing with Solway and Sons and has an understanding with them about keeping that area clear here so that the switching people can position themselves; do you know that?

A How can they keep the whole area clear?

Q I am asking you, did you know that the safety agent for the company in this area has had discussions with Solway and Sons

and told them that it is necessary, if they want to have cars switched in there, to keep the area clear where you can position your men so you can relay signals direct to the engine; did you know that?

A No, I did not.

Q Mr. Alver has instructed me in that, and as long as that area was clear for you to place your men, there is no difficulty in giving signals direct to the engineman?

A But the area is not always clear.

Q I say if the area is clear?

A If, yes.

Q If it is kept clear there is no difficulty?

A If, yes.

BY THE CHAIRMAN:

Q Mr. Baker, how far would the scrap have to be kept away from the track so that that could be done?

A Well, in order to position the men that they could see, it would have to be kept back, I would say, 30 or 40 feet from the edge of the track.

BY MR. SINCLAIR:

Q It is your view, is it, Mr. Baker, that on this job, if a man is on top of the first car next to the engine that the engineman cannot see him around this curve?

A That is right.

Q So that what you are saying is that there

has to be room for only one man to stand in here, that is between the lead and the siding to Solways, so that he can take signals from another man on top or on the point of the movement?

A Right.

W.J.Baker

- Q So that as long as there was room in here for one man to keep in view the man on the point of the movement --
- A He would have to be on top of the car.
- Q Or on the side; I did not mean on the top, I meant on the end ladder. A man could be on top of the car if it was a box car -- that is what you are saying?
- A Yes.
- Q And if it was a gondola car he would be on the end ladder?
- A Well, that would not put him up very far if he was on a gondola, on the end ladder.
- Q You do not think a man on the ground could see him? Is that what you are saying, if he had four or five gondolas ahead of him.
- A The pin man.
- Q If the pin man stayed between the lead and the private siding track and walked whatever little distance is required, you do not think that he could see; is that what you are saying, that he could not see a man who was on the end ladder of a gondola car?
- A The fieldman would have to be out quite a ways.
- Q He would have to be out quite a ways?
- A Yes, and the pin boy would have to be out a ways.

Q What you are saying to the Commission is that as the movement goes back into Solway and Sons, as it moves back the pin boy has to go further to the east; is that what you are saying? He has to go further to the east as the movement goes back into the siding so as to be able to see the man at the point of the movement and keep in line with the engineman?

A He would have to go further east or go high.

Q He would have to go further east or go high?

A Yes.

Q If he used a box car as a reacher next to the engine?

A Yes.

Q He could, after he got on the track where the curvature is not so sharp, climb up on that --

THE CHAIRMAN: Who could?

MR. SINCLAIR: The pin boy.

BY MR. SINCLAIR:

Q Is that correct?

A Depends what cars are in the siding.

Q As long as keeps a reacher, as you would call it, a box car next to the engine when he was making this move, if the scrap was there he could get up on the top of that after he had brought the engine into the track where the curvature is not so sharp; is that correct?

W.J.Baker

A Well --

Q And be in direct contact with the engineman?

A Yes, but he would have to be in quite a ways.

BY THE CHAIRMAN:

Q Who would have to be in?

A The engine would have to be in quite a ways.

Q Just looking at Exhibit 204, would it be as difficult to switch into Solways as to switch into the Glidden Company, it holds about three cars.

Q That makes it simpler?

A That makes it, not only simpler but Glidden they generally have one car spotted, a refrigerator car, that they load out or unload.

BY MR. SINCLAIR:

Q Mr. Baker, have you tried to see whether you can see a man on the top of the first car behind the engine all the way around that spur?

A Behind the engine or ahead of the engine?

Q I am sorry, ahead of the engine.

A Yes, I have.

Q And you cannot see him for some distance is that right?

A The curvature; that is right.

Q About what distance would you say on that type of track?

A From the time you start to shove in until

W.J.Baker

you are on the straight, that is, well
let us say, about four car lengths.

Q Four car lengths. Have you checked on this
very recently, Mr. Baker, or are you going
by your recollection?

A A year.

Q Would you be surprised to know that on a
check that has been maintained on this area
for over two months they have had no
difficulty at all in switching this area
without using a fireman.

A They have no difficulty?

Q Yes.

A In the last year?

Q Two months, I think.

A The last two months?

Q Yes?

A Well, I do not know about that. I cannot
say. I am talking of my experience.

Q I realize that. What you are saying is
that unless the matter is organized it could
present a problem sometimes.

A That is right.

Q Looking at Exhibit 205, the point that you
made in regard to this exhibit in answer
to my friend Mr. Lewis had to do with the
scrap on the west side of the track.

THE CHAIRMAN: The east side, is it not?

BY MR. SINCLAIR:

W.J.Baker

- Q I am sorry, scrap on the east side. That is on the fireman's side, and you said it was too close to the rail and at times this scrap would foul the movement.
- A That is right.
- Q And for that reason you felt that in making this move the fireman could watch back along the side of the train to see whether the scrap was actually hitting the running gear or being hit by the cars as you went up; is that right?
- A No, not watching back, watching forward.
- Q Watching forward; you are pushing in here too, I am sorry. That is what you had in mind there?
- A That is right.
- Q If a car derails there, Mr.Baker, how fast would you be moving to switch that Hydraulic Metal spur?
- A Not very fast.
- Q Two miles an hour?
- A One or two miles.
- Q About two miles:
- A Yes.
- Q While it might be a matter of some delay and inconvenience if you had a derail, it would not be what you would call a bad derailment?
- A No.

W.J.Baker

Q Your answer to that is no.

A It is not a bad derailment. The car is off that is all.

Q I think also on that exhibit dealing with Hydraulic Metal you said that you and one of your mates walked in ahead of the movement to make certain, as far as certainty could be made, that in your judgment matters were clear for the movement that you were contemplating?

A Well, maybe I might clarify that. We rode the front steps and watched out for scrap as we were going in to tie on to the cars.

Q Looking at Exhibit 206, that is where you are making a move to the Wye to get on to the main line, is that right; to come, what would it be?

THE CHAIRMAN: West.

BY MR. SINCLAIR:

Q To come west. All this area here is interlocked, is it not, Mr. Baker?

A Yes, it is.

THE CHAIRMAN: What do you mean by that?

MR. SINCLAIR: The movements are protected by signal indications controlled by the trains in the tower and the tower.

BY MR. SINCLAIR:

Q These are interlocked automatic signals, are they not, so that an opposing movement would get a red; that is what it is.

A You say an opposing movement cannot get a red?

W.J.Baker

Q So that an opposing movement would get a red?

A Would, yes.

Q As you came around.

MR. LEWIS: I did not get that.

MR. SINCLAIR: An opposing movement would get a red.

THE WITNESS: Just a minute, Mr. Sinclair. There can be two movements on the one track.

BY MR. SINCLAIR:

Q Oh yes, but once you have a red -- what I am saying is that the main lines are protected as you cross them, and matters of that kind.

A The main lines?

the engine follower get down and get on the front of the engine; he can do that if that is necessary, is that not so?

A He can, yes.

Q There is, I think, another job that you worked in Toronto one time, which is shown on Exhibit 202 which was filed yesterday by Mr. Bell, that is the abattoir job or the stock yard job?

A That is one job that I have not worked.

Q I thought you worked there on the spare, did you not, with a steam engine?

A I have been in there with stock.

Q You have gone up there with a steam engine, with a 6200?

A I cannot recall.

Q Can you recall that when you would go into the abattoir spur with a steam engine, a 6200, you would take in cuts of five to six cars because that is all that you could take with that type of engine, and that is the only type of engine that could work on that, a steam engine that could work on that spur; you do not recall that?

A No.

- Q Yes?
- A It could still get a yellow light or a call-on light to bring in a movement when were were occupying it.
- Q In which case the engineman would control his speed in accordance with the signal indication?
- A That is right.
- Q He would come in under restricted speed?
- A Yes, that is right.
- Q Prepared to stop. As you went around this Y to come on to the main line you said that the engine follower would be next the engine on the top of the first car next to the engine?
- A Yes.
- Q And the fieldman would be back or you would be back?
- A The fieldman and I would be on the tail end car.
- Q After you got around the curve and you are backing east?
- A No, backing west.
- Q You are backing up?
- A After we get around the curve.
- Q You are backing up towards Osler Avenue?
- A No, I am pulling around to Osler.
- Q You are pulling around to Osler. After you get up to where the track straightens out, as you come into Osler Avenue, does

MR. LEWIS: You had better answer verbally so the reporter can hear you.

THE WITNESS: No.

BY MR. SINCLAIR:

Q Now, when you were assistant yardmaster you supervised that job in Exhibit 202, did you not, that abattoir job? That was one of the jobs under your jurisdiction?

A Running stock in, yes.

BY THE CHAIRMAN:

Q What is the answer?

A Yes, running stock in.

BY MR. SINCLAIR:

Q And when you were supervising that job, Mr. Baker, you had steam engines working there and they were 6200's?

A Yes.

Q Do you not recall that the cuts of cars that were to be taken in there were five to six cars?

A No.

Q You do not recall that?

A No.

Q How many cars do you think they did take in?

A I don't know. I have no idea, tell them to take the stuff in and that is all.

Q Mr. Baker, I think you have made it clear that the best practice for switching is to give signals direct to the engineman?

A That is right.

MR. SINCLAIR: Thank you, Mr. Baker.

BY MR. LEWIS:

- Q Just two or three questions, Mr. Baker. Will you look at Exhibit 203 again? I did not quite hear the entire sentence of your answer. According to what I could get, I think Mr. Sinclair suggested to you that if you had the engine follower on the engine and you rode the lead car, whether or not you could see the engine follower on the engine as you went up the classification lead. Did I hear right?
- A Yes.
- Q And what was your answer to that?
- A Mr. Sinclair spoke of taking a cut of 15 cars. Now, there is lots of times we take more than 15 -- 20, 25 and 30 in one cut. All the time we have a train standing on the main line there may be something else blocked and we try to clear the main line as quickly and as easily and the safest that we can in our switching.
- Q And if you had more than the 15 cars that Mr. Sinclair suggested to you, would there be any difference as to whether the man on the lead car could or could not see the engine follower on the engine?
- A If I get around to No. 1 or No. 2, then I go out of sight of the engineer.
- Q No. 1 or No. 2 track?

A That is right.

Q In the classification yard?

A At the west end.

Q Now, if you will look at Exhibit 204 again, Mr. Baker -- and this, Mr. Chairman, is my fault and I apologize for it. Above "C.P.R. Bruce lead" on the sketch that was filed as Exhibit 204 there is another broken line. What does that represent?

A Above -- well, there is a fence comes out -- do you mean that one there?

Q This broken line above "C.P.R. Bruce lead"?

A There is a wire fence comes out there.

Q That goes on south of the scrap, as it were, south of the word "scrap"?

A Yes, it runs south of the scrap.

Q And just so that the Commission when it reads the record may follow it, this scrap in Solway and Sons --

A Pardon?

Q This scrap in Solway and Sons, from your memory was that loose scrap or sort of built up scrap?

A Oh, it is piled up, loose, cut, rails, scrap-iron.

Q Now, will you turn to Exhibit 205 again for a moment, please, Mr. Baker. You informed the Commission in answer to Mr. Sinclair's question that you moved along this Hydraulic Metal property pretty slowly and I think you agreed with him as to about two miles

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per hour and that a derailment would not be a bad one?

A That is right.

Q Is there any likelihood in your experience of a man riding any one of the cars?

A On the --

Q On this move into Hydraulic or out of Hydraulic?

A We ride the cars in and out.

MR. LEWIS: That is all, Mr. Chairman.

THE CHAIRMAN: That is all. Thank you, Mr. Baker.

MR. LEWIS: Mr. Chairman, my friend was good enough to agree that when this witness was finished I might ask for an adjournment until a week from Monday.

THE CHAIRMAN: Monday the 27th at 10 o'clock.

MR. LEWIS: Right, sir.

---The Commission adjourned at 11.55 a.m. until 10 a.m., Monday, May 27, 1957.

**ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY**

41

PROCEEDINGS


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ERRATA

Please make the following corrections in
the volumes and on the pages as indicated.

Volumes 31, 32, 33, 34

| <u>Page</u> | <u>Line</u> | <u>Now Reads</u> | <u>Should Read</u> |
|-------------|-------------|--------------------------|--|
| 4330 | 22 | Stratcona | Strathcona |
| 4331 | 17 | perquisites | facilities |
| 4337 | 8-9 | miles of track | miles of first main track |
| 4337 | 11 | comparable miles of | comparable to miles of first main |
| 4339 | 15 | 67.7 | 67.3 |
| 4342 | 20 | of passengers shown | of passenger train miles shown |
| 4372 | 18 | unit an they have | unit and they have |
| 4378 | 4 | the 244 tonners | the two 44 tonners |
| 4393 | 3 | compartibility | comparability |
| 4393 | 9 | The net area | In that area it |
| 4398 | 19 | Lauzon | Lausanne |
| 4434 | 6 | fireman | engineman |
| 4453 | 28 | MP-105 | MP-505 |
| 4457 | 8 | firemen | enginemen |
| 4477 | 1 | controlling | trailing |
| 4505 | 13 | joint order | general order |
| 4506 | 23 | transverse fishes | transverse fissure |
| 4507 | 7 | transverse fishes | transverse fissure |
| 4507 | 23 | transverse fishers | transverse fissures |
| 4510 | 25 | steel locomotives | steam locomotives |
| 4519 | 8 | rules or --- | Uniform Code of Operating Rules or -- |
| 4541 | 24 | the marshalling of | the marshalling of trains |
| 4553 | 16 | which the string | which a string |

| <u>Page</u> | <u>Line</u> | <u>Now Reads</u> | <u>Should Read</u> |
|-------------|-------------|---------------------------|---------------------------|
| 4562 | 20 | observations from the | observations and from the |
| 4587 | 26 | percipitate | precipitate |
| 4589 | 23 | the practice that in a | the practice -- that in a |
| 4590 | 23 | A ur:~ switcher | A road switcher |
| 4596 | 15 | idle | isolate |
| 4603 | 26 | air lock | air leak |
| 4605 | 2 | safety top | safety pop |
| 4605 | 8 | reservoir of air | reservoir air |
| 4605 | 9 | is the train line | is train lined |
| 4668 | 17 | personally | presently |
| 4676 | 14 | making a deal | making the outlay |
| 4702 | 3 | or I hope | or so I hope |
| 4721 | 12 | decepher | decipher |
| 4721 | 6 | decepher | decipher |

ERRATA

Please make the following corrections in
the volumes and on the pages as indicated.

| <u>Page</u> | <u>Line</u> | <u>Now Reads</u> | <u>Should Read</u> |
|-------------|-------------|---------------------------------|---|
| 4856 | 17 | protective | preventive |
| 4869 | 11 | plug | valve |
| 4869 | 12 | so held on, but that | so held on the brakes, but that |
| 4870 | 9 | I have a great many thousand | I have ridden a great many thousands |
| 4834 | 27-28 | ; they are academic | ; they are not academic |
| 4916 | 13 | there was an erring even on | there was an airing of views on |
| 4930 | 9 | the possible proceedings for | the possible savings for |
| 4930 | 12 | But the firemen and the | But the firemen in the |
| 4955 | 26 | to give 1,000 minimum | to give 2,000 minimum |

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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Monday, May 27,
1957

PRESENT:

| | |
|----------------------|-----------------|
| Hon. R. L. Kellock, | Chairman |
| Hon. C. C. McLaurin, | Member |
| Hon. Jean Martineau, | Member |
| Douglas M. Fraser, | Secretary |
| A. R. Winship, | Asst. Secretary |

APPEARANCES:

| | |
|------------------------|---|
| D. W. Mundell, Q.C., | Representing the |
| C. J. A. Hughes, Q.C., | Commission |
| I. D. Sinclair, | Representing the |
| Allan Findlay, | Canadian Pacific Railway Company |
| David Lewis, | Representing the Brotherhood of Locomotive Firemen and Enginemen |

Monday,
May 27, 1957.

41st DAY

MORNING SESSION

---The Commission resumed at 10.00 a.m.

MR. SINCLAIR: Mr. Chairman, there are a number of matters which were outstanding and which I would like to file now. The first has to do with Exhibit 115. You will recall that we filed Exhibit 115 and Exhibit 115A. As Exhibit 115B I would like to file information requested by Mr. Lewis, Volume 20, pages 2569-71, showing comparison of train times of all freight trains, except wayfreights, for the same period as shown in some of the other exhibits.

EXHIBIT 115B -- Comparison of
train times,
freight trains,
except wayfreights.

MR. LEWIS: Are these scheduled speeds or time card speeds or actual speeds?

MR. SINCLAIR: Exhibit 115A, you will recall, Mr. Lewis, was symbol freight time-table speeds. This is all freight trains, on the same basis as Exhibit 115A, but this is taken right from the statistical records of actual times of all freight trains except wayfreights. That is what you requested.

MR. LEWIS: I still am not clear. I am sorry, it is probably my Monday morning dullness. What I want to know is whether the mileages given in the third column are the mileages from outer switch to outer switch, which is the only mileage that can

give you the average running time, or whether it is the mileage from, say, shop track to shop track..

MR. SINCLAIR: It is the station to station mileage, exactly the same as Exhibit 115A.

MR. LEWIS: So the average speed in the last column to the right is again the average speed based on the time card?

MR. SINCLAIR: No, based on the actual time station to station as shown by the statistical records of the company.

MR. LEWIS: May I ask another question? Would the time that gives the average speed be merely the running time, or would it be the time as calculated for payment purposes which would include of course your initial terminal delay and your final terminal as well as your initial preparatory and final inspection arbitraries?

THE CHAIRMAN: On the full eight hours if the full eight hours were actually not occupied by running?

MR. LEWIS: Yes. Just as an extreme example, he might take four hours to run from switch to switch and there might have been a couple of hours involving other factors.

THE CHAIRMAN: Mr. Sinclair says that this is based on the statistical records

of the company. What does that mean?

MR. SINCLAIR: Station to station. As my friend was saying, for instance, each one of these -- just by looking at it will demonstrate that in no case did it take all the eight hours at 12-1/2 miles an hour. I am just running my eyes down the figures. So that any suggestion that somebody made up time by switching on another assignment would not apply. But it certainly would take into account, for instance, such things, I would think, as initial terminal time or final terminal time.

Exhibit 115A is on the same basis, and I think if you look at that you will find that the mileages are the same. I am saying that without checking, but I will just check it now. Yes, the times shown on Exhibit 115A are the scheduled times station to station, and it shows the mileages for the various subdivisions as the distances covered, and those mileages are the same as are shown on Exhibit 115B, which I understand is what my friend wanted.

You will recall that we started this with Exhibit 115 which showed for certain specified trains the time and the proportion of an equivalent day. Then it was suggested that we show the average miles per hour, which we did in Exhibit 115A for symbol

freights. That was prepared at the request of my friend. Then we did it for all freight trains, and that is what Exhibit 115B is.

THE CHAIRMAN: All right.

MR. SINCLAIR: Then as Exhibit 109, through Mr. Fraine, we filed a statement of seizures and black-outs in the period 1952-56, where those seizures and black-outs occurred while the engine was in operation. Mr. Lewis, at Volume 16, pages 2020 to 2032, asked that in addition to that we give the cases in that same period 1952-56 where enginemen suffered black-outs or seizures while on duty but not operating engines. As Exhibit 109A I should like to file a statement of cases of enginemen suffering seizure or black-out while on duty but not operating engine for the period 1952-56.

EXHIBIT 109A -- Statement of
seizures or
black-outs,
1952-56.

MR. SINCLAIR: Then Mr. Lewis also requested similar information to that shown on Exhibit 109, and as is now shown on Exhibit 109A, for the period 1946-51. That information has been prepared and I should like to file it as Exhibit 109B.

EXHIBIT 109B -- Statement of
seizures or
black-outs,
1946-51.

MR. SINCLAIR: This statement shows cases of enginemen suffering seizures or black-outs while on duty during the period 1946-51, and the information is broken down as follows: (a) cases of enginemen suffering seizure or black-out when operating engine and (b) cases of enginemen suffering seizure or black-out while on duty but not operating engine.

Then at Volume 9, pages 1023-26, Mr. Lewis requested certain information about bulletins. I said I would see what could be done, and in subsequent conversations with Mr. Mundell and Mr. Lewis it was decided that I would try to set out in a memorandum how bulletin instructions and other instructions were given, and then take two divisions and check the bulletins. These were bulletins having to do with the duties of firemen on diesel locomotives.

I have prepared this information for St. Luc and Revelstoke. St. Luc of course would cover Park Avenue, which is the Laurentian, and Farnham, because crews are operating out of St. Luc to those points.

THE CHAIRMAN: This will be a new exhibit?

MR. SINCLAIR: Yes.

EXHIBIT 207 -- Statement of
bulletins issued
at St. Luc and
Revelstoke.

MR. SINCLAIR: I have asked my friend to check with his clients in regard to firemen employees who might be able to provide some more of these. These are very difficult to find in some respects, and in other respects they are very easy. However, as far as the work that was done by the people who did it for me is concerned, they told me that this was the best they could turn out.

MR. LEWIS: They are being checked.

MR. SINCLAIR: Then Mr. Lewis during his cross-examination of Mr. Crump asked for certain information in regard to Exhibit 198, which was the proposal of the company in regard to the firemen who would be displaced. As Exhibit 198A I should like to supply the information requested by Mr. Lewis which has to do with the additional cost, if I may use that word, of continuing as firemen not only those shown under Roman numeral I of Exhibit 198, but also those employees shown under Roman numeral II. The cost, as shown by this statement which was prepared in the form of a memorandum by Mr. Gossage, is \$20 million, to make a total of \$58 million. \$38 million was the amount given by Mr. Crump, with an additional "cost" of \$20 million, making a total of \$58 million.

EXHIBIT 198A -- Statement of additional cost involved in retention of firemen on diesels.

MR. LEWIS: Mr. Chairman, I do not want to sound as if I were quibbling about words, but in this case it is rather important. I would not like it to go into the record as worded. The first sentence states:

"As an alternative to the method of implementation put before the Commission by Mr. N. R. Crump, Mr. Lewis proposed that firemen with seniority prior to April 1st, 1956 --"

And so on. For obvious reasons which I do not want to take the time to explain the word "proposed" is incorrect, and I would not like it to stay. I made no proposal. I merely asked Mr. Crump some questions and I think that it had better read, "Mr. Lewis asked whether it would not be better if firemen with seniority prior to" --

THE CHAIRMAN: You really asked what would be the additional cost and if the company would consider amending its proposal and including that. Isn't that it?

MR. LEWIS: As I recall it, Mr. Chairman, it came this way. I pointed out to Mr. Crump what I suggested in my questions were certain undesirable anomalies in the language he had drawn. You will remember we had a little exchange about my use of the word "carrot" in connection with that.

THE CHAIRMAN: I have forgotten that.

MR. LEWIS: I pointed out also that certain guarantees were proposed to the firemen in the category having seniority after April 1, 1953 which were not available to yardmen and trainmen. I cannot remember my precise words, but then I asked Mr. Crump whether they would not consider advancing the line. All I am concerned with is that there not be on record any word that would suggest that I made a proposal to Mr. Crump. I have no authority to make any proposal to this Commission or to Mr. Crump on the assumption that the major issue before the Commission goes against it.

THE CHAIRMAN: Well, you have explained your position and if you and Mr. Sinclair want to get together and amend the wording of the document we will be quite satisfied.

MR. LEWIS: Then I have a second point, Mr. Chairman. I think it was Mr. Crump who said what the difference in cost would be and Mr. Sinclair said they would calculate it. It has been my experience that I have never been able to punch holes in any calculation for which Mr. Gossage is responsible, but I am a little concerned about the ratio of the \$20 million to the \$38 million when the number of people involved are, as I recall it from memory, something like a fifth or a sixth of the total although I appreciate, of course, that

including them with the others, with those having seniority before April 1, 1953, means that the readjustment is to be extended in time.

THE CHAIRMAN: Again would it not be a good suggestion for you to discuss this with Mr. Sinclair and Mr. Gossage?

MR. LEWIS: And perhaps look at some of the working figures.

MR. SINCLAIR: Mr. Gossage is not here but I am quite sure that before these proceedings are finished I will have him here and he can bring his working papers and show Mr. Lewis how he arrived at the figure and discuss the matter of the wording of it. I am looking at the transcript, page 4958, and Mr. Lewis said:

"I must say that this is without in the slightest degree being understood as saying that the Brotherhood is ready to contemplate the removal of helpers from diesels and to consider the alternative proposal, but I am wondering whether, subject to that qualification, it would not be more practical to have just the one proposal of category I, covering all the firemen with seniority prior to a year ago instead of making this distinction between

those with seniority prior to April 1, 1953 and those with seniority after that date."

MR. LEWIS: That was my memory.

MR. SINCLAIR: Later on Mr. Crump said that he did not have that information. It was a matter of cost.

THE CHAIRMAN: Is not the way to handle it the way I have suggested, that you discuss it and if you are willing to amend the wording, all right, and if not we have Mr. Lewis' explanation on the record.

MR. SINCLAIR: I am quite prepared to go into it.

THE CHAIRMAN: Anything else?

MR. SINCLAIR: Yes. This will be a new exhibit, Exhibit 208. We were requested to produce certain information regarding major relocations of track in mountain territory and the effect on gradient and mileage. Exhibit 208 supplies that information together with the area in which the work was done.

EXHIBIT NO. 208 -- Major relocations
of track, mountain
territory.

MR. SINCLAIR: I do not have any transcript record for this but I think I or Mr. Gossage was asked when the Canadian Pacific first had the mountain differential rates. I think this information was not

requested on the record. It was requested off the record. We have made a check and we have found from our records that the mountain differential has been paid in mountain territory, as far as our records go, back to a collective agreement of December 1, 1897.

We have no record that goes beyond that time but it is the company's understanding from reading the files that it goes back prior to that date. However, we have an agreement of December 1, 1897, a memorandum, not a very formal agreement, which provides for the mountain differential for enginemen and firemen on the main line of the Canadian Pacific.

The next matter is found in volume 38 of the transcript. I am sorry that I do not have the page. During the cross-examination of Mr. Doull I undertook to file a copy of the form 104 which shows ten demerit marks against Mr. Doull in regard to an affair at Secretan on August 15, 1956.

I wonder whether the page in volume 38 could be turned up, please. I want to file as Exhibit 209 a copy of the discipline, a copy of the form 104 regarding the assessment of demerit marks against Mr. Doull for the affair at Secretan, October 15, 1956.

EXHIBIT NO. 209 -- Form 104, assessment
of demerit marks
against Mr. A. C.
Doull for affair at
Secretan on August
15, 1956.

MR. SINCLAIR: I should also like to
file the original of a statement from Mr. E. A.
Murphy, locomotive foreman's clerk, who says
that he delivered this discipline form to Mr.
Doull and that Mr. Doull refused to sign the
acknowledgement but that the form was delivered
to him.

THE SECRETARY: Do you wish that to be
209-A?

MR. SINCLAIR: I think Mr. Murphy's
statement should be exhibit 209-A.

EXHIBIT NO. 209-A -- Statement by E. A.
Murphy regarding
delivery of form
104 to Mr. A. C.
Doull.

MR. SINCLAIR: I find that the matter
is referred to at page 5338 of the transcript.
That is one place and it was referred to earlier
also in my cross-examination. I do not seem to
have the other page.

MR. LEWIS: I think it should be under-
stood --

MR. SINCLAIR I am sorry, I now have
the reference. It is volume 37, page 5202, and
volume 38, page 5337. Those are the two places
where this matter was mentioned.

MR. LEWIS: I was just going to say that from memory the only conflict that there would appear to be is Mr. Doull's statement that he did not see this form although he expected demerit marks. I am sure I will be permitted to reserve my right to call Mr. Doull when he has seen this memorandum from the clerk.

THE CHAIRMAN: Mr. Sinclair, have you volume 3 there, the top of page 370?

MR. SINCLAIR: Yes.

THE CHAIRMAN: There is a reference there in these words:

"We will have evidence about a yard working with a talk-back system later ..."

Can you tell me to what that refers?

MR. SINCLAIR: Yes. I think Mr. Shepp did deal with that. What that is is a place where speakers are out in the yard and where the yardmaster can direct his voice out into the yard and the yardmen can go and press a button and contact the yardmaster. There is one at Winnipeg.

THE CHAIRMAN: They have that at St. Luc too.

MR. SINCLAIR: And at St. Luc. I think that clears up the matters I have outstanding with one exception which is in preparation. That is a short memorandum of the historical development of the diesel as applied to rail

power which Mr. Crump said he would prepare. He just has not got around to doing it yet but he will do so.

MR. LEWIS: My next witness, Mr. Chairman, is Mr. Irvine Aubrey Stewart.

IRVINE AUBREY STEWART, Called

MR. SINCLAIR: Mr. Chairman, I am sorry, but I have just been reminded about one other matter and that has to do with signals at Secretan, and also there was a question which came up about Wolseley. I have been instructed by the company that the train order signals at Secretan and at Wolseley are both being moved to improve the view: that at Wolseley you can see this train order signal and at Secretan in certain directions with a certain type of power that signal could not be seen but that they are both being moved by the company to improve the view. I understand that there was an appropriation involved in the Wolseley matter which will make it an electrically operated signal and it is just a matter of relocation at Secretan.

BY MR. LEWIS:

Q Now, Mr. Stewart, you informed me that you joined Canadian Pacific Railway as labourer in the Lambton shops in Toronto on March 27, 1945?

A That is right.

Q And that you were promoted to fireman on June 16, 1945 and that you worked the fireman's spareboard until the end of 1947?

A That is right.

Q And about that time you went into pool service on freight for a little more than a

I.A.Stewart

year and following that you went into assign service in way freight and in yard?

A Yes sir.

Q And then you informed me that you qualified as an engineer in 1950 or 1951 -- you couldn't remember the year. Have you been able to check it since?

A I have not looked up the certificate, sir.

Q You haven't looked it up?

A No sir.

Q And you qualified as an engineer having passed all the necessary mechanical and rule examinations, written and oral, and you were set up as an engineer on June 4, 1952. You told me that you have run as an engineer ever since except for an occasional set back as fireman due to lack of work?

A That is right. Once in February of 1953.

Q Pardon?

A Once in February of 1953.

Q You also informed me that you had experience in road freight and in yard service as a fireman and as an engineer and that you also had experience as a fireman in passenger service?

A Yes sir.

Q And you informed me also that as far as your recollection goes your record with the Canadian Pacific Railway has been completely clear of any discipline or demerit marks?

A That is right, sir.

Q And that you are a member of the Brotherhood of Firemen -- to use the short name for it -- and at present are the recording and financial secretary of the Toronto Canadian Pacific Railway Lodge of the firemen?

A Yes sir.

Q Mr. Stewart, as a fireman did you have any experience firing hand-fired engines?

A Yes sir. I fired on the spareboard. I guess about 75 per cent was hand-fired engines.

MR. LEWIS: Mr. Chairman, I am not at all sure whether the talk-back system improves the situation or not.

HON. MR. MARTINEAU: If the witness spoke louder it might. I think he relies too much on the microphone.

MR. LEWIS: Please use what Mr. Crump called the "roundhouse voice", would you, Mr. Stewart, and see whether it is any better?

THE WITNESS: Yes sir.

BY MR. LEWIS:

Q You say when you were on the spareboard most of the engines would be coalhand-fired and would you tell us quickly the class of engines which you fired by hand, as far as you can remember?

A Well, on the main line we had D-10's 3600's, 3700's and 2200's -- class of engines.

Q Yes?

I.A.Stewart

A And in the yard we had 6200's, 6300's, 3400's and 6600's.

Q You mentioned to me when we discussed this that on road freight you also had some experience with 400' or 500's?

A Yes, I had a few trips on 400's and 500's. There are not many of them. They are just on branch line jobs. We use them to transfer more or less from the shop to the branch they would be going to.

MR. LEWIS: Excuse me, Mr.Chairman, but I am going to endeavour to improve the situation by adjusting the microphone.

THE CHAIRMAN: You had better rebuild the building.

MR. SINCLAIR: That is right.

MR. LEWIS: I do not know whether we need to do that, we could certainly put something in for improved acoustics.

BY MR. LEWIS:

Q When you hand fire coal steam engines, Mr. Stewart, do you have any memory of the number of tons of coal that you would use or the range of number of tons of coal that you would use up on a trip in road freight?

A We use to use, approximately, on a subdivision about eight tons -- between seven and eight tons.

I.A.Stewart

Q Do you have any memory of the maximum amount that you recollect using on any one trip?

A I do not think I ever used any more than nine at the most. Our engines only carried around ten tons on a hand-fired engine. I never stripped the tender.

Q And when you say you "never stripped the tender" you mean that you never completely emptied it?

A That is right.

Q What subdivisions did you work on when you fired these coal engines, so that Mr. Sinclair may be able to get an idea?

A I worked on the MacTier subdivision, the Oshawa subdivision, the Peterborough subdivision, and up to Owen Sound over the Orangeville-Owen Sound subdivision.

Q Yes. Now, you also had experience hand-firing coal steam engines in yards?

A Yes.

Q Have you any memory of the amount of coal you would use on a tour of duty in the yard?

A On an eight-hour shift with a 6200 we used to figure on about two and a half to three tons.

Q Can you give the Commission your best memory as to time. How much out of an hour

I.A.Stewart

would you spend in yard service tending to your firing duties?

A I would say roughly about ten minutes.

Q Out of every hour?

A Yes, out of every hour.

Q And what would be your recollection as to the amount of time out of each hour you would spend attending to your firing duties in road service?

A I would say roughly about twenty minutes in road service, depending on the particular territory you were in at the time. There would be times when it would be a little more and times when it would be less.

Q Have you fired any stoker steam engines?

A Yes sir.

Q Can you give the Commission an idea as far as your memory permits you as to the class of stoker you fired?

A 2300's, 2400's, 2800's, 3100's, 5100's, 5200's, and 5300's.

Q Have you ever had any experience with a 5400?

A And 5400, yes sir.

Q Or a 1200?

A 1200 also.

Q And in firing a stoker engine how much if any time would you spend on the deck?

A Well, sir, you would not spend any time on the deck. You might be on the deck may be

I.A.Stewart

two or three times over the whole division on a normal trip just to check your fire if you had a chance. By that I mean, if the engine was drifting or was being shut off. You cannot see a stoker engine fire when you are feeding coal into it with any success at all. It is just a bright glare. So, when it was shut off, the fire would be down and you would look just to get a rough idea for your own benefit how the fire was.

Q Have you had any experience with bad coal on a stoker engine?

A Yes sir, once in a while we used to get wet coal. At that time we would have more or less to keep the plate clean but you do that in the majority of cases right from the seat. You would not have to get down to do it. Sometimes you would have to get down and scrape the plate but quite often -- I would say most of the time -- you could do it right from your seat.

MR. SINCLAIR: Mr. Chairman, I do not like to complain about the advance that has been made since we were here before but it has not improved the situation as far as my hearing the witness from where I sit is concerned.

THE CHAIRMAN: You cannot hear the witness?

MR. SINCLAIR: No, his voice bounces.

THE CHAIRMAN: Well, we had better try it

I.A.Stewart

without the use of the microphone, then.

MR. LEWIS: Has it been shut off?

THE SECRETARY: It has been shut off.

MR. SINCLAIR: It seems to improve hearing you, sir, and the voices from up there but as far as the witness is concerned his voice reverberates in some way. I am glad to see that Mr. Mundell nods in agreement.

MR. MUNDELL: There is an echo in it.

MR. LEWIS: My mechanical knowledge of "mikes" is about as bad as my mechanical knowledge of diesel engines, Mr. Chairman, but I suspect that if we had one that had pick up from all directions we would be a little better off.

THE SECRETARY: The technical adviser says that they are worse.

THE CHAIRMAN: Well, Mr. Stewart, you will have to try to speak a little louder so that Mr. Sinclair will hear you and we will hear you.

THE WITNESS: Yes sir.

MR. SINCLAIR: You were talking about wet coal and that is all I got.

BY MR. LEWIS:

Q Mr. Stewart, I asked you whether you had any experience with bad coal and you said you had some experience with wet coal. What would you do in that case?

A In that case you would have to watch your distributing plate to see that it was kept

clean which you would do in the majority of time right from the seat with a plate scraper.

Q A plate scraper?

A Yes. If the coal caked too tight you might have to take a hook and clear off the jets but that would be only once -- oh, I would say, -- on an average of three or four times over a whole division.

Q Division or subdivision?

A Well, a subdivision is a division, sir.

Q Yes, but we have called it a subdivision?

A All right, a subdivision.

Q What instructions do you recall receiving when you first got your training as a fireman/with regard to firing steam engines?

A Well, the instructors that we had at that time were old engineers and they taught us that the best way to fire was to fire an engine light and the less coal you used the better results you would get from an engine.

BY THE CHAIRMAN:

Q Is this a stoker you are speaking about?

A No, hand-fired.

BY MR. LEWIS:

Q Yes?

A And to try to regulate your fire at all times so that you would be in a position to pass any information to the engineer

I.A.Stewart

that he might require. And in particular cases I recall that I have got down to put fire in when the engineer has told me to wait for a few minutes till he could get some information that he would want -- say a crossing -- coming to a crossing -- he would ask me if there was any traffic coming towards the crossing on my side.

Q Would you raise your voice a little more, Mr.Stewart? I find it difficult to hear you and I am sure Mr. Sinclair does.

You said "to be in a position to give the engineer any information he might require". What would that information relate to?

A Well, it could relate to crossings or signals -- block signals where there were block signals -- or order boards at particular stations where he would not see the order board as quick as you would.

Q Now, there has been some mention during the evidence in this matter, Mr. Stewart, of the duties of keeping the deck clean or wet on a hand-fired coal engine. What was your training and experience with regard to that?

A Well, it was just to keep the dust dampened down. The hose was beside you and the valve for the sprinkler was right at hand; you did not have to get off the seat while you dampened the deck down. You would do it while sitting on the seat and looking out the window.

Q What was involved in dampening the deck; how long would you have to pour water on?

A Just a matter of seconds; you regulated your hose -- your hose is connected to your injector and your injector, you try to get it regulated to a fine spray and you would just turn the valve on and dampen the deck and turn it off.

Q Would it be your purpose to pour on a great deal of water on the deck, or what would your purpose be?

A No, sir, if you poured a great deal of water on the deck you would only be walking in it. It was just a matter of keeping it dampened. You did not flood the deck or wash it out all the time. You may wash it out if you were stopped at some siding, but over the course of the road you would just turn the hose on and dampen the dust down.

Q Now you have had, of course, experience -- let

me put it that way -- experience with diesel engines. Have you had any experience as a helper on diesel engines?

A No, sir.

Q Your experience, then, has been limited to running diesels as engineer?

A Yes, sir.

Q About what year?

A 1952, sir.

Q Would you give the Commission your experience and the training you received, from whomever you received training, on diesels and your observations of the training the firemen received at the same time?

MR. SINCLAIR: Well, one at a time.

BY MR. LEWIS:

Q Split it up, right. Your experience in the training you got as engineer on diesels?

A The training I had as engineer was under Road Foreman of Engines Dow, and Anderson. We would meet on the shop track or on a run-through train the engine would be taken -- we would be taken into the engine room and shown the different devices, safety devices, and talked to about them. The engine would be shut down and started up and when you had got time to check over the diesel and have it explained to you in that way, the way it was to be checked. The fireman was with you at that time. When you had your brake test

and were ready to leave the terminal, you would pull out of the terminal and invariably the Road Foreman of Engines would take the firemen back into the diesel to show him how to check the diesel when it was in operation.

Q How would you know, except guess work, as to what the fireman was told when he was in the engine room? Did you discuss it with him when he came back?

A Yes, often we would talk about it, maybe on the way from the shop to the office. He would tell me what he had been told or shown and anything new he had learned, and each trip there was always something they would learn or find out about and they would pass that information along.

Q Now, Mr. Stewart, as engineer, have you found in your experience in yard work, have you found the fireman of assistance to you in any way in the safe operation of your engine?

A Oh, definitely, in respect to the fact that he is always constantly on the lookout on the opposite side of the train in a case where you are making a reverse movement and watching for signals, you always have him to rely on to watch in the opposite direction.

Q You say in the opposite direction, would that be in the direction in which you were actually moving?

A The direction in which we were actually moving

after we started the movement.

Q You recall, Mr. Stewart, an incident which occurred in July, 1956, in the Swansea Transfer at Bathurst Street?

A Yes, sir.

Q Would you give that incident to the Commission, please?

A On July 17, the assignment was the Swansea Transfer, and the fireman was John Jackson.

Q You were the engineer?

A I was the engineer and the diesel engine we had was Engine No. 6543. We had backed out --

Q A single unit?

A Just a yard engine. We had backed out of Parkdale down to Bathurst Street with the cars on the nose of the engine going to Mimico. I had the engine follower --

BY THE CHAIRMAN:

Q Wait a minute. You had backed from Parkdale to Bathurst?

A Yes.

Q With cars on the nose of the engine, then you were pulling cars?

A Yes, we were pulling them. The engine follower was on the first car. We stopped, and he got the signal to go ahead. He relayed the signal to me to proceed. I proceeded to go ahead when the fireman hollered at me to stop, that somebody had failed to throw the switch and we were lined into a

siding with a C.N.R. yard engine that was moving on an adjacent track. I stopped and said to him, "Are you sure, because I am still getting the signal to go ahead." He said, "Yes, I am sure." Then, I got the stop signal from the engine follower. What happened I think was -- I have been instructed, the switch tender forgot to line one of the switches which was lined into the wrong track on the forward motion, but the engine follower had no way of seeing that. Where he got his signals, I could not tell you, whether it was from the tail end crew or whether it was from the switch tender.

BY MR. LEWIS:

Q Was there still time that you might have been stopped a few feet farther on or a few car lengths farther on?

A I would not like to say one way or the other because if both engines were moving in the opposite direction, you would not know just how far you might go before you got the signal to stop or how far you would go after you got the signal.

THE CHAIRMAN: Do you mind if I understand this?

MR. LEWIS: Not at all.

BY THE CHAIRMAN:

Q How many cars were being pushed by the engine?

A Sir, I do not think I have that information

for that particular date.

Q You do not remember?

A I do not just remember. The number of cars vary on that particular job.

Q You do not remember?

A No, I do not remember.

Q Where was the yardman from whom you were getting the signals?

A On top of the first car.

Q Were there any other yardmen in sight?

A Not in my sight, no, sir.

Q Not knowing how many cars you were pushing, you do not know how far the lead car had to go before it would have interfered with the C.N.R. movement?

A No, sir, I do not. If my memory is right, I could be corrected in this, but I think it was in the neighbourhood of eight or nine cars that we had. Some days you would go out there with 15 or 16 cars and some days two or three; it varied in between.

Q But you do not remember. It seems from where we were sitting, we had about eight or nine cars.

Q Do you know how far away the lead car was from the switch?

A No, sir, I do not.

Q You did get a stop signal from the yardman before anything happened?

A I had stopped before I got the signal from

the yardman.

Q Did he give you the signal to stop after you had stopped?

A Yes, sir.

Q How long after?

A I could not say. It would just be a matter of seconds. But this fireman that I had at that time, he was a very alert man, and just the minute I started to go ahead he hollered at me to stop. I stopped and I did not know exactly what for until he explained to me. At the same time I was getting the signal to proceed from the engine follower on the first car.

BY MR. LEWIS:

Q Do you, Mr. Stewart, recall another incident within about a week on the same Swansea Transfer?

A Yes, sir, I was moving with a light engine in the Parkdale yard. I was going from the south side of the yard to the north side and I had stopped at the road crossing. The engine follower went up and threw the switch and gave me the signal to proceed.

Q He was ahead of you, was he?

A He walked ahead of me, yes. Then, he gave me the signal to proceed and I proceeded and again the same fireman stopped me. There was a movement coming out of a track on the left-hand side at that time and I

could not see around, but there was a movement coming out of there with another yard engine.

Q Could you have seen this movement yourself?

A No, sir.

Q Why, was there a curve?

A Yes, a left-hand curve on the east lead of the Parkdale yard.

D-2

Q It was possible for the fireman to see?

A Oh, yes. I do not know why the switchman did not see it.

Q It was possible for him to see it?

A Oh, definitely. Why he did not see it or whether he just was not thinking of moving at the time, I do not know.

BY THE CHAIRMAN:

Q Where was the rest of the yard crew?

A They were back there checking the train some place; I do not know what track they were on. They had been working over on what they call the south side and we came over to the north side of the yard.

Q You would have had to pass where the switchman was before interfering with this other movement?

A Oh, yes.

BY MR. LEWIS:

Q Now, before going on with some more incidents, Mr. Chairman, I think the witness' evidence may be clearer if I filed at this stage Exhibit 210, again merely a sketch -- it does not

purport to be a map -- of Keating Street yard.
No doubt the Commission will be relieved to
find that in this sketch north is north.

EXHIBIT No. 210 -- Sketch of
Keating Street
yard.

BY MR. LEWIS:

- Q Now, first, before asking you about any incident, Mr. Stewart, would you please describe to the Commission -- by the way, you worked this yard yourself?
- A Yes, sir.
- Q How long ago?
- A The last time was I think January or December, last year.
- Q December, 1956?
- A Yes, sir.
- Q Would you explain to the Commission how the engine was faced doing this job, say up to and including December, 1956?
- A The engine was headed west; the switch was down at the east end of the yard, with the nose of the engine attached to the cars --
- Q The engine itself headed west?
- A The engine heading west, yes, sir.
- Q And if you got a track from the east end of the yard which way would you move?
- A We would pull in on the east end of the yard, get our cars, back east over Keating Street and down between the dual highway, Keating

Street, over Booth Avenue, Logan Avenue, Morse Street and switch back into the yard in that same position.

THE CHAIRMAN: That full movement is not shown on this sketch, is it?

MR. LEWIS: I was just coming to that.

THE WITNESS: Yes, that is all shown there, up to that point. It is shown right to Carlaw Avenue.

MR. LEWIS: I think I know what the Chairman has in mind. I should like, with your permission to file Exhibit 211, what is really an eastward extension of the movement on 210, which we might call the A.R. Clarke Company, which is one of the sidings switched.

EXHIBIT No. 211 -- Sketch of
A.R. Clarke
siding.

MR. LEWIS: As the Commission members will of course immediately have seen, if you put the two sketches side by side, the top of Exhibit 211 about an inch lower than the top of Exhibit 210 so that the main track meets, you would have the movement east across the two sketches.

BY THE CHAIRMAN:

Q Where was it you took me, Mr. Stewart, one morning in April or early May?

A At the corner of Booth Avenue.

Q The corner of Booth and Keating?

A Yes, sir.

BY HON. MR. MARTINEAU:

Q In what direction was your engine facing?

A West.

Q Facing west?

A Yes.

Q And the movement you have just spoken of?

A Was pulled east, backing up.

Q Pushing the cars?

A Pulling them, sir, with the nose of the engine.

BY MR. LEWIS:

Q As I understand it, you would go into one of the tracks from the east end of the Keating Street yard, couple onto some cars which would then be attached

to your nose, right?

A Yes, sir.

Q The nose of the engine, rather?

A Yes, sir.

Q Then you would back out of that track with the cars still coupled to your nose?

A Of the engine, yes.

Q And all these crossings, Booth Avenue, Logan Avenue, Morris Street, Carlaw Avenue, are they protected in any way; are they protected crossings, or do they just have the railroad crossing signal, what we have called the St. Andrew's Cross?

A Yes.

Q The cross board, is that right?

A Yes, sir.

Q Are they or are they not flagged as a rule?

A Well, sir, the fireman usually, when I was down there he usually protected these crossings for that traffic was -- flagged those crossings.

BY THE CHAIRMAN:

Q How?

A With a red flag.

Q He got out of the cab onto the road?

A He would step right down to the step and if he saw any traffic coming to

go across the crossing he would step off with a red flag.

Q Not the day we were there?

A Yes, sir, at Carlaw Avenue he did. You asked about who got off the engine to flag the crossing there.

Q I remember, but I do not recall he was identified as the fireman.

A You asked me who it was and I told you the fireman. There were three men to the crew and you asked the question about which man was the foreman of the crew, and I believe I told you Mr. Alver could give you that information, that I did not just know.

Q I do not remember all the conversation, but I do recall there was a fourth man away down, and you say that was at Carlaw Avenue?

A Yes, sir.

Q That was the only occasion for that man, who you say was the fireman, to do flagging at a crossing?

A That is the busiest crossing at that particular time of day.

Q That would be about 800 yards from where we were?

A Yes, I guess it would be -- no, would it be 800? About 20 car lengths, I think. I think it would be closer to 300 yards. I am only guessing.

Q It is a matter of judgment. It was a long way over. Go on, Mr. Lewis.

BY MR. LEWIS:

Q When you had your engine facing west and you were backing out with your cars attached to the nose of the engine, would that create any difficulty about passing signals to the engineer in any industrial siding?

A Yes, it did. In industrial work at Shell Oil and Dominion Tar.

Q On which one of the exhibits is Shell Oil shown?

A It is on Exhibit 211.

Q Exactly where, so that the Commission members may see it?

A It is at the corner of Carlaw and Keating Street, the southeast corner.

Q Therefore you say when the engine was headed west you had difficulty passing signals to the engineer, because of --

A The curvature of the track.

Q What was the practice?

A The practice always was that the signals were passed through the fireman.

Q You were going on to say something else?

A It did not create a hazard in switching at the yard, with the engine headed west and the fireman taking signals at the Shell Oil -- the engineer got all the

signals for switching movements in the yard where the heavy switching was done.

Q Since December 1956 do you know from your own knowledge whether the engine doing this work is still headed west?

A No, sir, it is not; it is headed east.

Q It has been turned?

A It has been turned and is headed east.

Q So that you would be pulling cars with the cars attached to the cab end of the engine?

A That is right.

Q In the movements now. Mr. Chairman, this might prove to be faster. In doing that, I suppose there is no difficulty, or is there any difficulty passing signals to the engineer at Shell Oil or Dominion Tar?

A No, definitely not.

Q Pardon?

A No, sir.

Q The engineer gets the signals direct now?

A Yes.

Q What is your comment, if any, as to the improvement or otherwise in safety in switching in the yard and crossing those roads with the engine turned east?

A With the engine turned east, to switch in the yard now, if the engine follower

is with the engine -- the majority of switching movements that they make in that yard have been, from my experience, on an average of 20 cars, and a hazard is created, in the summer-time particularly, with this public part here. Last Friday night I went down there and I would say there were approximately 300 children in the park crossing back and forth across the track and playing around the track, and for the engine follower to stay with the engine to protect the crossings --

Q Did you see him do that on last Friday night? Is that what he did?

A No, sir, I did not see him do that last Friday night, but when I was watching him last Friday night most of the cars I saw them switching at the time was just seven. There was very little work down there at the present time. The foreman told me when I made inquiries that things were very quiet down there.

The engine follower with just seven cars had to stand on the edge of the road, the north side of the south side of the road.

Q Of Keating Street?

A Yes, sir. You had to rely on the other two men to switch the cars. But he said that with any more cars he would have to

go further down the street and the field man would have to come out, and it would just leave one man to switch cars at the yard.

Q Just so that I may understand it and so that the Commission may understand it, was that as a result of that crossover or curve, or whatever you would call it?

A That is right, that is the lead.

Q That is the lead from the yard across Keating Street?

A Yes, sir.

Q And with the engine turned east -- correct me if I am wrong, Mr. Stewart -- the engineer would of course as it were be looking south and the fireman would be looking north?

A That is right.

Q And then you say that with more than seven or eight cars, with up to 20 cars, the engine follower would have to go farther south, is that it, in order to see his mates?

A The engine follower would have to go further east and one of the other two men would have to go further south because there is a jog in the track there and it would take him out of view of the engine, take the engineer out of view if he did not follow the movement

further down.

Q Therefore one of the other two men would have to go further south; how far south? Is that still on Keating Street or past Keating Street?

A Yes, sir. Well, to be seen he would be about -- if the movement of cars was to go as far as Carlaw Avenue, then one man would have to follow the engine; the second man would have to be about the centre of the road to see him.

Q To your knowledge, is this a busy road? I notice on Exhibit 211 there are the words "Speed limit 40 miles per hour." Is that the speed limit on Keating Street?

A Yes, sir.

Q Is it only on the part shown on Exhibit 211 or the part shown on Exhibit 210 as well?

A Both parts.

MR. SINCLAIR: It says "Per half hour." Does that mean 80 miles an hour?

MR. LEWIS: That is an error.

THE WITNESS: The half hour I think refers to the amount of cars that were counted on that street, if you recall, a year ago.

BY MR. LEWIS:

Q In any event is this intended to be 40 miles per hour or 40 miles per half hour?

A Per hour.

MR. LEWIS: I am sorry, I did not notice that when I looked at it.

BY MR. LEWIS:

Q Then there is another statement

"Approximately 500 cars per hour."

A That is where the "half" should be.

Q What is the source of that information?

A That was taken from the man that was counting cars for a city survey.

Q How long ago?

A July of last year.

BY THE CHAIRMAN:

Q It would depend on the time of day?

A That was taken I think around 11 o'clock.

Q In the morning?

A I was asking the man what that was and he said that was the average of his count of cars that morning.

BY MR. LEWIS:

Q In any case, to your knowledge it is a busy street?

A Very busy.

Q Just so that people who do not know Toronto very well may understand, I notice that on Exhibit 211 there is no boulevard in the middle. Is that just as wide a road? Is it still four-lane traffic, or what?

A It is four-lane traffic on Exhibit 211 and six-lane on Exhibit 210.

Q That is with the boulevard in the middle?

A Dividing the road.

Q Looking at these sketches, Mr. Stewart, do you recall an incident which occurred toward the end --

MR. SINCLAIR: The witness said there was six-lane traffic on which exhibit?

MR. LEWIS: Exhibit 210, three on each side of the central, whatever you call it.

BY MR. LEWIS:

Q Looking at the exhibits, do you recall an incident that occurred toward the end of last year involving Yard Foreman Harold Butler?

A Yes, Foreman Butler and myself were working with the chap and during one of our switching movements we were getting cars for National Iron, cars of scrap metal, and after making --

Q Excuse me for interrupting, but at that time the engine was still heading west?

A Yes, sir.

Q And had you coupled the nose of the engine onto some cars on one of the tracks?

A Yes, sir, we had coupled -- we had taken cars out of, I think No. 8 track and had pulled out and were putting them into, some of the cars into No. 4.

During the switching operation we had to switch cars out. Well then, we had to push cars out into the particular siding that they were at because when we were finished with them we intended to take them out of the west end of the yard.

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the first of these is the fact that the
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- Q Excuse me, you used the siding. Do you mean one of the tracks in the Keating Street yard?
- A Yes.
- Q One of the yard tracks. Yes?
- A In making the coupling the engine follower was standing at the switch and the engine was just on the road crossing.
- Q Which road crossing, looking at Exhibit 210?
- A Keating Street on the north side, sir.
- Q Where, at Booth Avenue?
- A At Booth Avenue, yes.
- Q Yes?
- A And the joint to the best of my knowledge had made. I felt the cars come together and the slack go in and I went to move the cars as per signal and I remarked to the fireman that we must have a full alley of cars because of the way the engine was not moving them.
- Q Before you go on, was this work being done in the daytime or at night?
- A This was being done at night, sir.
- Q And the signals were being given to you by --
- A By the engine follower.
- Q And by lantern, I suppose?
- A By lantern. I backed the engine up a short way to take the slack to move these cars when the fireman hollered at me to stop and I stopped and I said, "What's wrong?" He said, "I don't know, they are swinging you down up here." I said, "Who is doing that?"

He said, "I don't know who it is but you are getting a stop signal." I said, "I am getting a proceed signal from the pin man."

Q Where was the pin man?

A The pin man was at the switch, a clear view of him, and the foreman walked up and told me that the coupling had not made, that a rail had turned over and we had three cars on the ground. I said, "Well, I was still getting a signal from the pin boy to go ahead." He said that was because the fieldman's lamp had gone out. He could not see the fieldman swinging him down. He went to swing him down and his lamp went out and he thought the signal was still to proceed and the consequences was we had three cars on the ground which might have been more serious had the foreman not been able to get out and give a stop signal to the engineer -- to the fireman rather and stop the movement. There was no possible way he could get out from where he was to pass a signal to the engine follower because of the curvature of the track and the cars in the tracks.

Q May we just be a little clearer, Mr. Stewart. Looking at Exhibit 210, station the men as you know them before the lantern of the fieldman went out, as you learned later. Where was the engine follower?

A He was standing at the fourth line, the

fourth track at the switch.

Q The fourth from the bottom?

A From the bottom.

BY THE CHAIRMAN:

Q The north side of Keating Street?

A The north side of Keating Street.

BY MR. LEWIS:

Q Where were you?

A I, sir, was out on the crossing at Booth Avenue.

Q With your nose facing west?

A Facing west, sir, yes.

Q And to your knowledge where were the other two members of the yard crew?

A The yard foreman was making a joint three or four carlengths in No. 4 track and the fieldman was between he and the pin boy.

Q And up to that point they had been relaying signals directly to you or through the fireman?

A Oh, directly to me, sir.

Q And then you say the fireman told you to stop, they were swinging you down on the other side?

A Yes, the foreman -- when I backed up the foreman stepped through between the cars and he had seen the fieldman's lamp go out. He stepped through there and gave a stop signal to the fireman.

Q Across the track?

A On the opposite side of the train.

BY THE CHAIRMAN:

Q Why would he do that?

A Well, sir, he couldn't get in position to pass a signal to me because of the cars that were in the other tracks.

BY HON. MR. McLAURIN:

Q The foreman's signal could not reach to the engine follower because the fieldman was out of action because of the dead light?

A That is right.

BY THE CHAIRMAN:

Q As I understand you, the fieldman was to the west of the foreman?

A No sir, the foreman was the most westerly man.

BY MR. LEWIS:

Q The fieldman was between the engine follower and the foreman relaying the foreman's signal to the engine follower?

A That is right.

Q Now, looking again at these sketches, do you recall an incident within a short while after the one you have referred to and which occurred at Lever Brothers?

A Yes, sir. I was switching a movement at Lever Brothers, kicking cars into Lever Brothers' siding. The fieldman was blocking the cars or putting hand rigs on them. We had made two or three switches when the foreman went up on top of a car and swung us down and we had cornered a car at the Lever Brothers' switch. Again he had to give the signal

on the curvature there -- the signal came directly from the fireman or to the fireman from the foreman.

Q You said the foreman climbed on top of a car to give that signal?

A Yes, sir.

Q And you as engineer could not --

A I could not see him because of the curvature of the track, no sir.

Q Up to that point had the signals been given to you or to the fireman?

A Yes sir, to me. Each switch movement had been given to me.

Q You had already touched or sideswiped a car, had you?

A Yes, sir.

Q And the damage was already done. Would it have mattered --

A If we had not --

Q Let me finish my question, Mr. Stewart. Would it have mattered if the stop had been somewhat delayed?

A Yes sir, the farther we went the more damage we would be doing both to the car that was cornered and the other cars that were coming in contact with it.

Q Looking at Exhibit 210, Mr. Stewart, would you describe exactly where this cornering took place? Lever Brothers is towards the top left of this sketch, Exhibit 210?

Right?

A Yes, sir. It took place at the westerly of the two tracks coming out of the yard, the westerly track at Lever Brothers, the westward track.

Q The one that is farther west?

A The one that is farther to the left.

Q And where was the other car which you side-swiped? On what track was it?

A It was on the track going straight past there, sir, into a storage track.

Q That would be the easterly -- one of the yard tracks?

A One of the yard tracks. The car was to go west to Lever Brothers track for storage.

Q Would that be the top track in what we call the Keating Street yard or the second one or the third one?

A It was in the -- it was going into the second from the top, sir, at that particular move. That is where we were lined into.

THE CHAIRMAN: Unless it is made more exact I cannot follow it, Mr. Lewis. I do not know where this car was that was damaged, whether it was up between the two Lever Brothers buildings or down in the yard.

THE WITNESS: No sir, it was down at the tracks in the yard. It had rolled back from out of Lever Brothers' track.

THE CHAIRMAN: You may have the picture in your mind but unless you take this step by

step and make it specific I will find it difficult to get the picture in my mind.

BY MR. LEWIS:

- Q Where was this car which had run out? Where had it been before it started running?
- A In the west track in Lever Brothers yard.
- Q There are two tracks going west and north into Lever Brothers. This is the westerly track you are talking about?
- A Yes.
- Q The one that is more west?
- A Yes.
- Q And this car from the west track had run down to where?
- A Back out to the yard, sir.
- Q And where did you come into contact with it?
- A Right just at the switch, sir.
- Q At the switch of what track?
- A I think it is No. 11 track if you count them. I am not just sure. It was No. 11 track that it happened at, yes sir, No. 11 track.
- Q Mr. Stewart, there is a little curve in there which might be a track. I don't know whether it is.
- A Yes, it is.
- Q From a lead, as it were, along the northwestern part of this yard. There is a track that curves in?
- A Yes, sir.
- Q Has that got a number?

A That is No. 12.

Q That would be the top track?

A Yes.

Q And No. 11 would be the one next to it, below it?

A To the best of my knowledge, sir. I may be just out a track on that but to the best of my knowledge there is just twelve tracks there.

Q And the car had run down Lever Brothers track, this western track, and you cornered it at the second track which you think was No. 11?

A Yes, sir.

Q Where were you coming from?

A I was switching from the east end of the yard, sir.

Q What were you doing? Were you pushing cars in?

A We were pushing cars, switching, kicking cars in there.

Q Were you kicking cars into the same track No. 11 or what?

A Into No. 11 and into Lever Brothers, into both tracks in Lever Brothers.

Q And it was at that switch of the connection of the westerly Lever Brothers track and track 11, which is the second one down on Exhibit 210, that your car and the runaway car caught each other?

A That is right.

MR. LEWIS: Is that a little clearer, sir?

BY THE CHAIRMAN:

Q Was that runaway car one that you had pushed into Lever Brothers yard?

A We had kicked it in.

Q And should it have been tied down?

A Well, I think that it was supposed to have been tied. I think the brake on it did not hold. That was the reason that it run away.

MR. LEWIS: Mr. Chairman, I am going on to another incident and perhaps this might be a good point for a break.

THE CHAIRMAN: All right.

--- Recess.

-- After Recess.

IRVINE AUBREY STEWART, Recalled

MR. LEWIS: Mr. Chairman, for the moment I am through with Exhibit 210 and 211.

BY MR. LEWIS:

Q Mr. Stewart, have you any knowledge of an incident which occurred around Cobourg in November of last year?

A I have some information on such an affair.

Q You are not yourself involved?

A No sir.

Q Well, would you, with the Commission's permission, tell the Commission what you do know about the incident?

MR. SINCLAIR: Well, where did he get the information and how was it done? This is certainly getting into the realm of secondary material.

MR. LEWIS: I appreciate that but it is not the first time we have had secondary material in this hearing, I think.

MR. SINCLAIR: Maybe my friend has a specific matter in mind?

THE CHAIRMAN: Well, if it is important it gets down to the matter of weight. If it is just something somebody heard it is not very satisfactory.

THE WITNESS: This information was given to me by the fireman in the past week -- the engine numbers, the dates -- and he signed this information at the bottom.

BY THE CHAIRMAN:

Q Where does the fireman live?

A He is in London, sir.

Q London, Ontario?

A Yes sir.

Q What is his name?

A John Struger.

Q Why could he not come down to Toronto and give it there?

MR. LEWIS: It could be done, Mr.Chairman. This is a good opportunity for me perhaps to say this. There are a number of these things and I propose as we travel across the country to bring a good many of these people in at the various centres to tell about incidents of this sort but I am trying to avoid dragging everyone in. As I say, I am not saying this critically but I think in a case of this sort it is inevitable perhaps and there has been -- I could make a search of the transcript to point out quite a number of instances of evidence that was not direct evidence -- that was not what is known as the best evidence.

THE CHAIRMAN: Oh, quite.

MR. LEWIS: I think, Mr. Chairman, if I may and I am not going to insist on it because I

I.A.Stewart

can bring Mr. Struger to Toronto but if the witness can -- as he can -- give the name of the fireman and the name of the engineer and the numbers of the engines and the precise date when the incident is alleged to have occurred and the precise place at which the incident is alleged to have happened -- my learned friend is not put at any disadvantage because he can certainly quickly find out and check on the information and if it is incorrect so inform the commission.

THE CHAIRMAN: Well, very good, and if Mr. Sinclair does that -- wants to hear directly from the fireman -- then I think you should bring him because in an incident of that type Mr. Sinclair's records might tell part of the story but ^{might} not tell all the story.

MR. LEWIS: I am quite prepared, Mr. Chairman, to skip this incident at this point because London is quite close to Toronto and I could bring the fireman to Toronto in the week of the 17th.

THE CHAIRMAN: I am not suggesting that, Mr. Lewis, and we said from the beginning that we are not practically shutting out anything. We are only discussing how the facts can ultimately be developed, if there is any question in the mind of anybody about the facts.

MR. LEWIS: All right. Well, then,

1. The first part of the report
describes the general situation
of the country and the
state of the economy.
It also mentions the
political situation and
the state of the
army.

2. The second part of the report
describes the situation in
the different provinces.
It mentions the state of
the economy and the
political situation.

3. The third part of the report
describes the situation in
the different districts.
It mentions the state of
the economy and the
political situation.

4. The fourth part of the report
describes the situation in
the different villages.
It mentions the state of
the economy and the
political situation.

5. The fifth part of the report
describes the situation in
the different towns.
It mentions the state of
the economy and the
political situation.

6. The sixth part of the report
describes the situation in
the different cities.
It mentions the state of
the economy and the
political situation.

with that understanding I will proceed with the question and then we can have Mr. Struger or the engineer in Toronto if there is any need for it.



Q You told us that the fireman -- did Mr. Struger give you the exact date when it occurred?

A The date was November 18, 1956.

Q And the name of the fireman, you told us --

MR. SINCLAIR: I just wondered if -- I notice the witness is reading from a form of some kind, and I wondered if the incident is the result of a canvas that has been made and the firemen submitted forms throughout the system, is that what it is?

THE WITNESS: Definitely not, sir. It is on a piece of Brotherhood foolscap, written down in my own handwriting and signed by the fireman.

MR. LEWIS: Since my friend has referred to it, I think I had better come out and say a form did go out, whether throughout the system or not I do not know, and some information has been gained that way. I do not propose to file these forms from people at distant points at any time. I intend to bring the people who made out the forms and they can relate the information to the Commission.

THE CHAIRMAN: Well, this is some report the witness has from the fireman concerned?

THE WITNESS: Yes, sir.

BY MR. LEWIS:

Q All right.

A The fireman was John Struger and the train was Extra No. 8448, west from Trenton to

Toronto. The engineer was D. Sullivan.

Q That is No. 8448 Extra, west from Trenton to Toronto?

A Yes, the engineer was D. Sullivan; the conductor was Mr. MacMillan. This train was in the siding at Cobourg and they pulled out. The conductor had walked up to the head of the train and he and the head trainman were on the engine to go over as far as Oshawa and set some cars off.

Q The engine was steam or diesel?

A It was a road switcher engine coupled to an A unit.

Q That is two units?

A Yes.

Q The road switcher in the lead and the A unit the trailing unit?

A Yes.

BY THE CHAIRMAN:

Q The engineer, fireman, conductor and one of the train crew were in the cab?

A Were in the cab, yes, sir.

BY MR. LEWIS:

Q In the cab of the lead unit?

A Yes, and they pulled out of Cobourg and the rear trainman pulled the conductor's emergency cord and it resulted in pulling the draw bar on Engine No. 4002 --

Q That is the A unit?

A That is the A unit.

Q And then what happened?

A They pulled the draw bar out.

BY THE CHAIRMAN:

Q Who did?

A The emergency cord was pulled.

Q Before or after this draw bar?

A It was pulled before, that is what --

Q It was pulled by the rear trainman?

A Yes.

Q In the caboose?

A Yes.

Q Why did he pull it?

A That information the fireman did not have;
whether it was to stop to get off and throw
a switch or --

Q Well, he did not have it?

A He did not have that particular information.
I asked him but he said that he did not know
what the reason was.

BY MR. LEWIS:

Q And as a result of the emergency stop, as it
were, or the pulling in the caboose of -- what
did he pull?

A The conductor's emergency valve in the
caboose.

Q And as a result of that you say the draw bar
was pulled on one of the two units?

A Yes.

Q The draw bar on the second or A unit?

A Yes. The train was then pulled back into

Cobourg with the A unit and the fireman followed up with the road switcher.

BY THE CHAIRMAN:

Q The fireman followed?

A He brought the road switcher engine into Cobourg.

BY MR. LEWIS:

Q Who ran the A unit that pushed the train back?

A The engineer.

Q The engineer was in the A unit and the fireman ran the other unit back into Cobourg?

A Yes, sir. And at Cobourg they contacted the dispatcher and reversed the units and the instructions they got were for the fireman to ride at the back of the A unit and operate it as the first unit and bring the train into Toronto that way.

THE CHAIRMAN: I do not understand that.

BY MR. LEWIS:

Q You said they reversed the units. Does that mean the A unit became the lead unit?

A Yes.

Q And the road switcher the trailing unit?

A Yes.

Q Why was that done? Why did you reverse them?

A So both units could be operated.

Q When you reversed the units, were they

then coupled together, was the road switcher coupled on to the A unit?

A Yes.

Q And did you have to reverse them -- I will have to lead -- did you have to reverse them because it was not possible to couple the two units together at the other end of the A unit?

A Yes.

Q Because of the draw bar being pulled out?

A Yes.

Q So you could only couple the two units together by using the other end of the A unit, and in that case you had to reverse the order of the units?

A That is right.

THE CHAIRMAN: And the result of that was what?

BY MR. LEWIS:

Q Then, once they did that, where was the engineer?

A He was in the cab of the A unit.

Q In the front cab of the A unit?

A In the front cab of the A unit.

Q There is only one cab?

A It was at the back end of the unit; it was at the east end of the unit travelling west. In other words, the unit was backing up, a car body type engine backing up, and the fireman was told to ride at the back end of this engine to protect the crossings and

to watch for signals and the train was brought into Toronto in that manner.

BY THE CHAIRMAN:

Q The fireman was told to ride at the back end of the unit, and that means he was really on the front of the movement?

A Yes.

Q Where was the trainman?

A The trainman was in the cab with the engineer, sir.

Q Who told him to go there?

A I do not know. He said that was the instructions they got and he said that was all he could tell me about it.

Q Your point is that the fireman was then at the front of this movement?

A At the point of the movement and he said he had the emergency valve beside him, the brake valve of the unit.

Q Is that the only communication he had with anybody else on the train?

A I do not know. He told me he passed signals but how that was done I could not tell you.

BY MR. LEWIS:

Q Now, Mr. Stewart, there has been a discussion before this Commission as to whether firemen had a duty or had not a duty of watching the track ahead, or lookout duties. I should like to file, Mr. Chairman, in connection with that, as Exhibit 212, Form 104, the original

and copies, dated August 27, 1956, involving Fireman John Struger. The form reads:

"Dear Sir:

Please be informed that your record has been debited with 30 demerit marks for failing to observe if track ahead of movement was occupied, contributing to responsibility for derailment resulting from violation second paragraph, Rule 93, Uniform Code of Operating Rules, Canpa Subdivision, August 20, 1956."

It is signed by Superintendent Alver.

THE CHAIRMAN: Where is the Canpa Subdivision?

BY MR. LEWIS:

Q Where is the Canpa Subdivision, do you know?

A It runs south from the C.P.R. main line on the Galt Subdivision to the C.N.R. main line, the Hamilton main line at Canpa, which is approximately a mile and a half from Islington Station, west of Islington Station.

EXHIBIT No. 212 -- Copy of
Form 104
concerning
Fireman
John Struger.

BY MR. LEWIS:

Q Now, have you, at my request, Mr. Stewart, made inquiries as to any discipline handed

out to the other members of the crew?

H-2

A Yes, sir.

BY HON. MR. MARTINEAU:

Q Did this happen as a result of the movement you have just spoken about?

A No, sir.

MR. LEWIS: No, this is entirely different.

BY MR. LEWIS:

Q Who was the engineer, Mr. Stewart?

A The engineer was Harold Yeo.

Q Have you spoken to him?

A Yes, I talked to Mr. Yeo on the telephone on Friday.

Q Did he inform you whether he received any discipline?

A Yes, sir, he received 40 demerit marks.

Q Were you able to find out who the head end trainman was?

A The information that I got was that he was a borrowed man from down east.

Q You do not know his name?

A I do not know his name. The best Mr. Yeo could tell me was that so far as he knew the trainman received no discipline in this incident.

MR. LEWIS: If I may, with this information my friend can no doubt supply the information that is on file and can give the facts instead of my attempting to get them from

this witness which, in this case, would be third hand.

MR. SINCLAIR: I will give the file to my friend. I have given him a large number of files and I will give him this one, too.

MR. LEWIS: That is the spirit. That reminds me that I must return these files to my friend. Perhaps that is why he made the remark.

BY MR. LEWIS:

Q Would you tell the Commission whether the incidents which you have described, with particular regard to the Keating yard and the other incidents which you have described, are unusual, or whether they are typical of your experience since 1945?

A I would say that --

MR. SINCLAIR: Just a minute; am I to understand, in reference to these files, that what we want -- we know about Engineer Yeo and Fireman Struger and what we want is the discipline record; is that right, for the trainman?

MR. LEWIS: I am quite happy to leave it the way it is, showing that the fireman was held pretty seriously responsible, but I do not know whether it tells the Commission very much, unless the Commission knew the details of what happened. I think the statements would be of value, to know whether this exhibit sheds any light on the responsibility of the fireman.

MR. SINCLAIR: As I understand

the situation, the data given here is that the witness believes there were 30 for the fireman and 40 for the engineman and nothing for the trainman?

MR. LEWIS: So far as he has been able to tell. He is not sure about the trainman because the trainman was from somewhere east.

THE CHAIRMAN: That, in itself, raises a question because normally the trainman would be involved, so we assume that you will try to clear it up.

MR. SINCLAIR: Oh, yes. I was going to try to get this information over the telephone during the noon hour, and if we find that the trainman was disciplined I wonder if that would be sufficient.

THE CHAIRMAN: Mr. Lewis says that he is happy with the position as it stands. You will have to use your own judgment as to what you think we should have.

BY MR. LEWIS:

Q I was asking you whether the incidents which you have described and dealt with are unusual or whether they are typical of your experience as a fireman and engineer since you joined the Canadian Pacific early in 1945?

A I would say it is typical; the incidents I have described, while they are not common occurrences yet they are not uncommon. They are not exceptions. The instances in my own experience are the ones that have happened to me, and I know several other cases where they have happened to other men.

Q In yard service, Mr. Stewart; you have had a great deal of experience in yard service in the Toronto Terminals, have you?

A I have been running in the Toronto Terminals, running an engine steady for

approximately two years.

Q Before that what experience did you have?

A I have worked in the Toronto Terminals on different assignments.

Q In yard service in the Toronto Terminals, in your experience did you as an engineer want or not need a fireman on the other side of the engine?

A Well, definitely you need a man on the other side to protect and see what is there. There are cases where cars are rolling out or cars might be fouled and if there was nobody there it would cause damage and maybe personal injury, both to myself or to somebody else.

Q Mr. Stewart, in your experience in the Toronto yards is there or is there not a movement of people across the yard?

A Yes. At several places in the Toronto yards, at Indian Road to Junction Road I counted the other day 17 people crossing the track. They were not employees. There was one woman with a baby carriage I remember because she was having an awful time getting across.

BY THE CHAIRMAN:

Q Were they trespassers?

A They were trespassers. At Scarlett Road there is a big park, Lansdowne Park.

It is a great place for children to play in the summer-time and they cut across the track there. In the winter-time they have a public skating rink, artificial ice, and after school they are back and forth right through until 8 or 9 o'clock at night; from 4 o'clock in the afternoon until 8 o'clock at night.

Q In crossing these crossings and in the vicinity of this park have you had the experience of the fireman on the other side of the engine alerting you as to people about to cross?

A At different times and at different places the firemen have told me there is somebody going to cross. At Scarlett Road one night in a switching movement the fireman said to me there were two boys crossing. I saw them, that was all there was to it. I mean it was just a matter of being sure that they got across.

At Keele Street, more particularly in the rush hours people are crossing back and forth, both people who live in the district and come off the street cars and walk home or employees from the factories.

Q It has been suggested in evidence here

that the engine follower should be on the engine all the time and if that were so he could assist the engineer in seeing everything that needed to be seen in place of the fireman. Have you any comment to make on that suggestion?

- A If the engine follower was on the front of the engine with a car attached, or on the rear of the engine with a car attached he could not see any more than what the engineer could see, except he could see straight across between the car and the engine.

BY THE CHAIRMAN:

- Q But if there was no car attached?
- A If there was no car with the engine, in a forward motion he would be able to see more.
- Q If there was a car in front his place would be at the point of the movement?
- A During a switching movement you might have several cars attached to the nose of the engine and the engine follower being on the front of the engine --
- Q Being on the front of the movement?
- A Well, your field man or foreman would be at the front of the movement switching and he would be relaying signals; from the engine he could not see anything on the opposite side at all.

Q Who could not?

A The man on the front of the engine or on the deck steps of the engine if the cars were behind.

Q But what about the man at the point of the movement?

A The man at the point of the movement would see the other side.

BY MR. LEWIS:

Q We have also had evidence during these proceedings suggesting that when you take an engine off the shop track there is no need for the engine crew to make any inspection because they could rely on the shop staff to have done it. Can you from your experience give the Commission any recent examples as to the reliability of that suggestion?

A Yes. On one personal occasion last winter I inspected an engine to take it off the shop track and the sand would not work on the one side at the back. The condition of the weather was it was raining and when I went and asked them to fix it they came back and told me it would take too long.

Q Was an inspection of that sand part of your routine duties as an engineer?

A Yes, sir.

Q What happened after they told you it

would take too long, if anything?

A I told them I would not feel responsible for taking that engine out and did not feel I should, and the shop foreman told me that I would either have to take it or go home. I talked to the master mechanic about it and he had the engine fixed with the result that we were approximately two hours late getting away from the shop.

BY HON. MR. MARTINEAU:

Q That was for yard service?

A Yes, sir.

BY THE CHAIRMAN:

Q Would that be usual or unusual?

A With this particular engine, they had been running into difficulty with making those sanders work.

Q I refer to the failure of the shop man to fix it until you had spoken to the master mechanic?

A I would say it was more or less unusual.

Q It was a matter between two individuals?

A Well, I just would not like to express an opinion on that, sir.

BY MR. LEWIS:

Q Do you recall an incident regarding a cap of a radiator?

A Yes. At Booth Avenue, while switching one night --

Q How long ago was that?

A That would be the latter part of November. I noticed something fall off the top of the diesel. It bounced off the catwalk and fell on the road. I stopped and had the fireman get off. The shop staff had put water in the radiator and had not put the cap back on and the vibration and jarring had knocked the cap off. They had just left it sitting beside the top of the radiator.

BY THE CHAIRMAN:

Q That is just like the boy putting air into your tires and forgetting to replace the caps?

A Something the same as that.

BY MR. LEWIS:

Q Could not or could not an inspection have helped that? Would you go near the rad in making an inspection?

A I do not go on top of the radiator, no, and when the fireman checks the water it is generally checked by the water-glass.

Q So that during your inspection you would not usually look at the top of the radiator?

A Not look at the top of the radiator cap, no, sir.

- Q Now, Mr. Stewart, a final question.
In your experience in yard work is it
or is it not a general practice wherever
possible to pass signals directly to the
engineer?
- A It is a practice where it is possible to
always give the engineer the signals.
- Q And when that is done, Mr. Stewart,
where in general terms are the members
of the yard crew positioned?
- A Well, there is usually two men at the
point of the switching movement and one
man back in full view of the engineer.
At times when there is a short cut of
cars all three men will be practically
at the point of the movement.
- Q With a short cut of cars?
- A Yes, where there is no obstruction or
nothing to obstruct the view the three
men will be all working in very close
proximity.
- Q And you would be able to see them?
- A Yes.
- Q Would they be on the engineer's side
or on the fireman's side?
- A On the engineer's side when it is
possible.
- Q In view of your experience, expressed
in general terms, how are you as
engineer placed for a lookout ahead or
on the left side of the engine?

A I cannot see anything on the left side of the engine, but ahead on the right side I can. One can see what is on that side, all movement.

BY THE CHAIRMAN:

Q That would depend upon how the locomotive is headed, if it is a diesel locomotive?

A Whichever way it is headed I would be on the right side.

Q What you mean is you cannot see on the left side along the side?

A On the opposite side.

Q Your view to the front is better if the cab rather than the nose is leading?

A When the engine is backing up, do you mean?

Q Yes.

A Yes, there is a much better view.

BY MR. LEWIS:

Q In that situation, if the engine is backing up, Mr. Stewart, where would your attention be directed as engineer?

A Well, your attention directly would be on the crew, watching to see, watching for their signals to tell you when you have gone far enough or when they wanted you to reverse your movement and go in the opposite direction.

Q And in that situation whom do you rely on for look-out forward, as it were, in the direction in which you are going?

A Well, the fireman or helper as you call him has always been relied upon.

Q In that situation?

A In that situation. You will glance back from time to time too, when you see how far you are going, the signals they give you; if they only want you to go a short piece, well, you will look back before you make the movement and then start making the movement and watching with the signals to see if they want you to stop, but the fireman has a constant look-out in the direction of movement.

MR. LEWIS: That is all, Mr. Chairman.

BY MR. SINCLAIR:

Q Your last answer, Mr. Stewart, was that the fireman always has a constant look-out in the direction of movement. Is that correct?

A Yes.

Q Have you not seen firemen in the yards paying no attention to the direction of movement but sitting with their backs to the direction of movement times without number?

A I have seen firemen that way, Mr. Sinclair, but such firemen are criticized both by the crew and by the company.

Q You have had to criticize some yourself?

A Yes, sir.

Q And you said that in a couple of these instances you had a very alert fireman. That was a man by ~~the name of~~ Jackson, I think you said?

A Yes, sir.

Q And you have also heard of firemen in the Toronto Terminals who were not alert, have you not?

A I have heard of some.

Q Even some who have been sleeping on duty?

A Yes, sir.

BY THE CHAIRMAN:

Q You mean while the engine was moving?

A We have had occasions, sir, and men that have done that have been dismissed by the company for doing it.

BY MR. SINCLAIR:

Q You have had examples of people moving from the engine, either the engineer or the fireman, and the movement continuing with one man on the engine in the Toronto Terminals?

A I have heard of that but have been very critical of anybody who would do such a thing, but in one particular case that I was criticizing him for it --

THE CHAIRMAN: Would you face just a little this way.

THE WITNESS: Pardon me, sir. When I checked up I found out they had a groundman come up on the engine while the fireman had got off.

BY MR. SINCLAIR:

Q That was one but you also know of another one where they did not have one, don't you, Mr. Stewart?

A I don't recall the particular one you are talking of, Mr. Sinclair. Could you give me any further information on it?

Q Well, one that happened and was brought to the attention of the Brotherhood not so very long ago and the Brotherhood phoned the superintendent and said, "What are you doing? You are running an engine with only one man in it." After the Brotherhood got in touch with the superintendent the superintendent told them he didn't know anything about it and he made some inquiry and found out that one of the men had been off the engine.

A Mr. Sinclair, I believe now that you have mentioned that it was -- you may correct me if I am wrong -- was that not on January 2nd?

Q I don't know the date. Maybe that is another one. You tell me about the one on January 2nd?

A That is the only one I know of where they contacted the superintendent to see if they were running a yard engine without a fireman. To my knowledge at the present time that is the only one I can think of, if that is the one.

BY THE CHAIRMAN:

Q These occurrences are all on diesel locomotives?

A Yes, sir.

BY MR. SINCLAIR:

Q Well now, Mr. Stewart, you were talking about these reverse movements in which the fireman would look in the direction of the movement while you would look back to see where the signals were coming from. Correct?

A That is correct, sir.

Q Now, under those circumstances, Mr. Stewart, if you were running cab first, in other words, pulling the cars with the cars attached to your nose --

A That, I believe, sir, was the example that was given at the time.

Q By the Chairman?

A By the Chairman, and I think Mr. Lewis made some --

Q The same kind of example. So that by you just turning your head one way or the other you have got complete vision as you go back and you can look forward for the signals by turning your head to watch the signals. Is that right?

A It is, Mr. Sinclair, to an extent, that in switching movements, particularly in and around yards, where there is so many men working, that if you were looking forward and had a look-out back and there was nothing or nobody there it would only be a matter of a

second or two until maybe there was somebody there.

Q It does not take you long to turn your head? You can turn your head back and forth very quickly?

A Well, when you are switching in terminals you don't -- your head isn't used as a swivel. You do look back and see that your track is clear to make your reverse movement and then you start your movement and watch for your signals with occasional looks back to see that the fireman hasn't missed anything that is there.

Q Don't you look back as engineer so that you can satisfy yourself, Mr. Stewart, that you have got the movement under control?

A Well, you have the movement under control, yes sir, and you look back to see that there is nothing --

Q Nothing in the way?

A Nothing else has been put in the way or no obstructions.

Q So the fireman would be a double check on you?

A No, I would be a double check on the fireman because he is watching that more so.

Q You think that you have to have that, do you?

A Well, I feel in this respect, that there is nobody infallible in that way and that if it were left to one man he would maybe be just

looking at the wrong direction at the wrong time. At times, sir, when you are making switching movements, the matter of moving a car, a signal can be given that they only want to go just a matter of two or three feet from the signal that you are getting and you are watching then to see that you don't go any farther than what they want you to. Sometimes it is half a car, sometimes it is as much as a carlength, but the signal is given to you to slow down and be prepared to stop and reverse your movement.

Q If you got a one-car signal from the ground, Mr. Stewart, and you were going to back up one carlength and then move forward again, you are not suggesting that you could not take that one-car signal and make the observation and move safely, are you?

A I am making this suggestion, that we don't get car signals.

Q You don't get car signals?

A Very seldom. There is very few crews in the Toronto Terminals that I know of that give car signals. There is the occasional one but as a rule when they are giving you car signals it is for making a joint or a coupling. It is not for a back-up movement unless it were to spot a car.

Q There is nothing to stop them giving you one-car or two-car signals or controlling

the movement in that way if they wish to do so but what they generally do is give you a slow back-up? Is that right?

A Give you a slow back-up and they will slow you up with the same signal.

Q If you are only going to move a car or two you feel you could not make an adequate backward observation of that move and that you need somebody else to help you?

A That is right, sir.

Q Now, this necessity of keeping the fireman for a look down the side, the left side, I presume that is looking forward along the left side when you are pushing cars? Is that right?

A Yes, that was what I had in mind.

Q And what you have in mind there is somebody walking into the side of the movement on the left side?

A Not particularly, sir. Cars can be pushed out or roll out.

Q Let us take people first, people walking into the side of a movement. Have you ever seen anybody walk into the side of a movement that was stopped by a fireman?

A I have never seen a person walk into the side of a train but I did see a man walk into the side of an automobile.

Q And did the fireman stop that movement?

A No, but they had a man sitting on the seat that hollered at the driver and he stopped.

Q In that case?

A In that case, yes.

Q Do you think they should have a man sitting on the seat at all times so he can holler at somebody walking into the left side of a car or a truck?

A No, I am not inferring that way, sir, but you asked me if I had ever seen anybody walk into the side of a train. I said -- pardon -- there was a case where a man drove into the side -- two men drove into the side of one of our trains.

Q And you think that you should have firemen watching down the side of trains to see that people do not drive into the side of them or people do not walk into the side of them?

A I don't propose to say that is the sole purpose of it, no, sir.

Q You don't think he is needed for that purpose?

A I didn't say I didn't think he was needed for that purpose but I don't think that would be the sole purpose of having -- pardon me, sir -- for having a man in that particular position.

Q Do you or don't you think he is needed for the purpose of watching people walking or driving into the side of movements?

A He is needed for that along with other duties that he can and does perform.

Q But he is not needed for that one alone?

A Not alone, but with the combination of other things.

Q Let us do them one at a time. He is not needed for that alone. You will agree with that? The fireman is not needed to see whether people are going to walk into the side of movements or drive into the side of movements? You will agree with me he is not needed for that alone?

A Not for that alone.

Q Now, another thing you say is that from the left side he can see cars running out that is, running free?

A Yes.

Q Now, this is in yard work, cars running out of a yard track onto a lead?

A Yes.

Q And that means that somebody in the yard has not tied a car down properly? Correct?

A No, I wouldn't agree with that, sir, to the extent that during switching movements cars are kicked into sidings, the brakes are tied on to a certain number of those cars and when they are kicked in the coupling is made and the brakes are on and sometimes the brakes will let go on cars that have been kicked in.

Q You mean the brake would be defective on one of the cars that was tied down and against which they were kicking cars? Is that right?

A In one instance that I recall the brake was not defective. The brake held but as soon as

it was jarred it released.

Q Then it was not tied on properly, was it?

A Yes sir, I would say that it was tied on properly, tied on by an experienced man.

Q How many of these have you had?

A I have only seen one instance of that, sir.

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Q For what other reasons would cars be running free down towards the left side of your movement?

A I just don't know offhand, Mr. Sinclair, what reasons they might be doing it.

Q That is the one that you can think of offhand -- the one you have given the Commission?

A How do you mean, sir?

Q About a brake releasing and --?

A That is one case where the car didn't run -- that particular case where you mentioned the brake and I said I had seen that -- that car didn't ^{run back} / out on to the lead; it ran out on to a derail.

THE CHAIRMAN: I think we will adjourn.

-- The Commission adjourned at 12.30 until 2.00 p.m.

Monday,
May 27, 1957

AFTERNOON SESSION

-- The Commission resumed at 2.00 p.m.

IRVINE AUBREY STEWART, Recalled

BY MR. SINCLAIR:

Q Mr. Stewart, you were talking about cars running out or cars in some way running so that they might contact a movement that you were on -- that is, a switching movement -- and some car would have run back or run out from another track to strike or corner your movement.

A Or sometimes cars foul a lead.

Q Let us deal with cars running first.

THE CHAIRMAN: Mr. Stewart, would you turn slightly this way, please?

THE WITNESS: Pardon me, sir.

BY MR. SINCLAIR:

Q Where there was gravity in a yard -- where the cars would run?

A Yes sir.

Q And the ground crew know those locations, don't they?

A In the majority of cases. In one particular instance I had a foreman tell me that when a car ran back one night it was the first time he ever saw a car run back.

Q That would be an unusual one?

A Yes, that would be unusual.

- Q But where the cars are known to run -- that is where there is gravity and where the ground crew, as you say, would know where that situation existed?
- A Yes, as a rule.
- Q And they watch very carefully for those situations, don't they?
- A Yes, I would say they did.
- Q And it is part of their duty to see that their movement is protected against that situation?
- A I imagine that is correct.
- Q Now, these cars being fouled -- that is, that they are shoved foul of the lead or placed foul of the lead -- one or the other, would that be right?
- A Yes.
- Q Is it not part of the duty of the ground crew to see that cars are not foul?
- A I think it is.
- Q And also that is the ground crew that would be shoving the track, they must not shove blind and shove cars foul. That is a specific rule, isn't it?
- A I understand that that is a specific rule, yes.
- Q And then so far as your own ground crew is concerned it is up to them, isn't it, before they let you out into a place to make sure that cars are not fouled?

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A Well, in some cases they will look at a track and I imagine just the lay of the ground would more or less be deceiving and what would look clear from one point would not be clear when you got up to it.

Q Yes, Mr.Stewart, but isn't it part of their duty to check down a lead before they let you out on it to see if there is anything foul?

A Well, as I say, it might look clear to them until you got to a point where you were right up against the particular point that you can see.

Q If you were moving down a lead cab first you could make that observation yourself, couldn't you?

A It would all depend on which side the cars were on.

Q I said cab first?

A Yes, but it would depend on which side of the cab the cars would be.

Q If it was as close as that would you not take it pretty easy?

A Oh, you would take it easy, yes.
If your cab is going to clear, you could see on the one side, yes. It might look actually closer to you than it is when you got to it but on the other hand it might be just the opposite.

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Q But if you are going down the lead cab first and make an observation to see that the way is clear ahead, if you see a car in close proximity to your movement you govern your movement accordingly, don't you?

A Yes.

Q And you can see it?

A Yes.

Q And if necessary, if you think that it has to be measured, if it is that close, you can always wait until some of the ground crew come up and make the necessary clearance test for you, can you not?

A You could, yes.

Q Would you not agree with me then that you would not require a fireman alone to see whether cars are foul of the lead?

A No, I would not agree with you that I would need a fireman alone to see that. As I said

--

Q You would agree you don't need them?

A No, I would not agree with it because as I said a fireman is not there for just one specific view.

Q I know you said that, Mr. Stewart, but I am asking you whether in your opinion you need a fireman alone -- the only thing you need him for is to see whether cars are foul?

A And, as I say, you do not need him to see only if cars are foul. It is the multiple things you need him for.

Q You say you do not need him to see whether cars are foul alone?

A No, not specifically for that but --

Q And would you agree with me that you would not require him to see whether cars were running back alone?

A Well, they have been a big help when there has been instances of that kind.

Q But you would not require him and you would not suggest that you had to have a fireman to do that alone?

A No, not just that, but with the other duties that is one of his reasons.

Q Would you agree with me also that in those kinds of movements where you have the engine follower on the top or one of the ground crew on top he could make any observations as to cars running down or cars foul that were necessary?

THE CHAIRMAN: On top of what?

MR. SINCLAIR: On top of one of the cars on the movement -- say the engine follower on the top of the box car right ahead of the engine.

THE WITNESS: Well, if he were doing his work -- but he wouldn't do his work standing on top of the car.

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BY MR. SINCLAIR:

Q I said that if you had that kind of a movement where he happened to be on top -- there are some moves where the engine follower is on top next to the engine?

A When you are pushing.

Q When you are pushing?

A Yes, in some places.

Q In some places. In those instances he could make just as good an observation and possibly better -- would you not agree better -- than a fireman?

A No, I would not say a better observation.

Q Would you say just as good?

A No, I would not say just as good because his attention would be drawn to the movement that he was making.

Q How many cars have you had run back on you in the two years you have been running as an engineman, Mr. Stewart?

A Do you mean that there has been damage done, sir?

Q Yes?

A Only just the one instance where there was damage done.

Q The one you referred to?

A Yes, the one I referred to today.
That is all that I can recall of right now.

Q Have you ever operated an engine or a train

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without a fireman, Mr. Stewart?

A No sir.

Q Never run a Budd car?

A No sir.

Q Have you ever driven a transport truck?

A About 18 years.

Q For 18 years?

A Yes sir.

Q You drove a transport truck?

A Yes sir.

Q Semi-trailer?

A Yes sir.

Q One that pulled about 25 tons?

A Not when I was driving, sir, they didn't.

Q They only pulled the weight limit when you were driving?

A Yes.

Q You never exceeded the weight limit?

A I do not say we never exceeded it, but we never exceeded it to that extent.

Q You used to drive this along at night at about what -- 45 miles an hour?

A Around 40 or 45 miles an hour was the top speed.

Q And if the going was not very good you used to straddle the white line in the middle of the road to make sure you could keep running?

A No.

Q You never did that?

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- A Not if I could help it.
- Q Sometimes you couldn't help it?
- A You might have to pull out for reasons to straddle the white line -- road conditions or other things that might affect the movement of your truck over the road.
- Q You have run tandem with transport trucks too, in driving, have you not?
- A We had double hook-ups if that is what you are referring to.
- Q Double hook-ups?
- A Yes.
- Q Did you have a fireman to help you get across the road?
- A At the time I was on the longest trip, Toronto to Montreal, we had two men on the cab. It was a sleeper cab.
- Q One would sleep while the other would drive?
- A That is right.
- Q But you were the sole lookout?
- A We worked about four hours at a time.
- Q And you were the sole lookout?
- A That is right, but there was nothing to obstruct my view.
- Q There was nothing to obstruct your view?
- A No sir.
- Q Except when you obstructed the view of somebody when you were coming down the centre line?
- A You were not down the centre line. You would be on the righthand side of the road.

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- Q Do you always pull over? If I got behind you and tooted my horn and said, "Get over, Stewart, here I come," would you move?
- A If I could hear you, I would.
- Q But most of the time you couldn't hear over the roar of that motor, could you?
- A Very seldom will a truck hold up a car when there is a movement over the road. You will travel faster following a truck than trying to pass it in most cases.
- Q Yes, I found that, too, Mr. Stewart. They are about the fastest thing on the road.
- A They are now.
- Q They are now?
- A They know the road.
- Q Did you ever back a semi-trailer in in the city?
- A Yes sir, I worked on one particular company -- in one particular place that I worked I was on a steady job and my work was all at Eaton's, Toronto.
- Q You backed across streets with a semi-trailer?
- A If I had somebody to watch the traffic, I did, yes.
- Q They are very hard to back up, are they not, Mr. Stewart?
- A No sir.
- Q They are not?
- A No, not when you know how to do it.
- Q I have heard people say that the best men to do it were fellows who had started with a

1. The first part of the report is devoted to a general

description of the object of the study.

2. The second part of the report is devoted to a detailed

description of the object of the study.

3. The third part of the report is devoted to a detailed

description of the object of the study.

4. The fourth part of the report is devoted to a detailed

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description of the object of the study.

16. The sixteenth part of the report is devoted to a detailed

description of the object of the study.

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team of horses because they back up the same.

A They back up the same as a car.

Q Opposite to an automobile?

A Yes.

Q And they are not very easy to handle in heavy traffic, are they?

A I never seemed to have any particular trouble.

Q You never did?

A I never knew any one who had trouble who was a driver.

Q Did you ever see an accident between a car and a semi-trailer?

A Yes sir.

Q Did you ever have one?

A Yes sir.

Q Pardon?

A Yes sir.

Q Was anybody killed?

A Yes sir.

Q How many were killed?

A One man -- a Canadian Pacific Railway employee.

- Q Do you think that it would be safer if these semi-trailer trucks travelled at 25 miles an hour instead of 45 or 50?
- A No, sir, I think it would be more dangerous.
- Q You do not think so?
- A I think it would be more dangerous.
- Q Do you believe that if they had better brakes it would be safer on the highway?
- A I do not think you could improve on the brakes, sir.
- Q Did you ever jack-knife a trailer?
- A Yes, sir.
- Q And that was on a slippery road?
- A No, sir.
- Q You swung out to pass somebody?
- A No, sir.
- Q How did you jack-knife?
- A I parked it and did not have it properly in gear.
- Q Did you ever see anybody jack-knife a trailer on a slippery road?
- A Yes, sir, I have seen it.
- Q That is a hazard, isn't it?
- A I would imagine so.
- Q Did you ever hear of a fellow going to sleep driving a truck?
- A Yes, sir.
- Q Did you ever go to sleep driving a truck?
- A I have dozed and stopped then to have a proper sleep.

Q Did you ever hear of anybody having a fainting spell driving a truck?

A Not actually a fainting spell, no, sir.

Q What, then?

A I know of a man that passed out in a truck from the cold one night.

Q From what?

A From the cold.

Q Those are all hazards?

A They would be, yes.

Q Now, Mr. Stewart, this morning you introduced Exhibit 212 and that had to do with some discipline that was assessed against a fireman and his name was Struger, you remember that one?

A Yes, sir.

Q This followed a question by my friend to you when he said there had been some testimony here regarding lookout, and one of the duties of the fireman and trainman regarding lookout, and in conjunction with that you produced this exhibit; is that right?

A Yes, sir.

Q Now, the purpose of it, I take it, was to show that the discipline assessed indicated the fireman was the man the company looked to to maintain a lookout?

A In this particular case it states, "For failing to observe --"

Q Yes, but your proposition was that the major

responsibility for lookout was given to the fireman?

A No, sir, I did not say that. The engineer was disciplined also.

Q But between the trainman and the fireman?

A I told you, sir, I did not know what discipline the trainman got, and I could not get that information.

Q Well, the engineer got 40 demerit marks, you recall that?

A Yes, sir.

Q And you spoke to him?

A Yes, sir.

Q And he told you he could not recall what had happened to the head end trainman?

A That is what he told me.

Q I have had the discipline form of the engineman checked and it provides that he got 40 demerit marks for failure to comply with Rule 93, that is the same as the fireman, and failing to ensure that the head trainman was in a proper position; he did not tell you that?

A No, sir.

Q And the discipline record also shows that the trainman was a man by the name of Bayard, Robert Eldon Bayard, and the record shows he was assessed 30 demerit marks?

A I could not find that information out, as I told Mr. Lewis this morning.

Q I know. I just want to give you all the information here, and the record shows that the trainman received 30 demerit marks for failure to be in a proper position on the engine to observe conditions ahead, contributing to the responsibility for the collision and derailment and damage to equipment. Now, would you agree with me that the company, the man who assessed that discipline, certainly was putting a duty on the trainman to observe ahead?

A As well as the fireman, yes.

Q As a matter of fact, this was a diesel, too, wasn't it, Mr. Stewart?

A I believe it was, sir. I did not inquire into what it was.

Q And the fireman has nothing else to do on a diesel but to look ahead, has he?

A I believe in that particular case he was checking his time card, if I recall what he said. They were going on a foreign road and he was checking the time of the trains on the foreign road.

THE CHAIRMAN: I did not hear that.

MR. SINCLAIR: He was checking his timetable and they were going on a foreign road. He was checking his timetable.

BY THE CHAIRMAN:

Q Did this take place in the yard?

A Yes, it did, sir.

MR. SINCLAIR: It would have to be in the yard for Rule 93 to apply.

THE CHAIRMAN: Yes, I know.

BY THE CHAIRMAN:

Q What was it that was not observed that should have been?

A They hit another train in that territory.

Q Where was the train, on the main line?

A It is main line down there, yes, sir.

Q Those who were disciplined were on the yard track or the lead?

A No, they were on the main line going to Hamilton, and as I recall hearing it, the engine was making a movement on that track at the same time, either had cars on the track, I believe it was cars that were on the track that they contacted; I am not certain about it.

Q Were the people concerned in Exhibit 212 on the yard engine?

A No, sir, they were on the freight engine.

Q And who was on the engine, in the cab?

A The fireman and the engineman and I think the brakeman was on, but I am not sure whether he was. Mr. Sinclair may know where he was.

THE CHAIRMAN: Was the brakeman in the cab at that time, Mr. Sinclair?

MR. SINCLAIR: He was riding the

back steps, I think, and what happened was that the Canpa switcher occupied the main line, as it had the right to do by leaving a van and six cars at this location. It was protected by the rule that if the train coming in had observed Rule 93 -- they failed to observe Rule 93 and that is what they were disciplined for.

THE WITNESS: As I understand from the fireman, the statement that he made, it was a misunderstanding of a block signal. At that particular point they had a signal that indicated slow, clear, but what he had failed to assure himself of, was that it was not connected to his track.

BY THE CHAIRMAN:

Q Who?

A The fireman; when the engineer called the signal and he repeated it, he just took it for granted that was to cover the track he was going on, but it was not.

Q Was this a road switcher?

A I could not tell you what type of engine it was. It seems to me it was a road switcher, but I am not sure about that.

THE CHAIRMAN: Do you know that, Mr. Sinclair?

MR. SINCLAIR: Yes, the information I have is that it was No. 8561 and No. 4047, Extra west, so that would make it a road switcher on the lead.

BY THE CHAIRMAN:

Q Apart from the signal, can the fireman and engineer both see ahead of them on the track?

A No, sir, it is a left-hand curve at that particular point.

THE CHAIRMAN: It was for failing to observe the signal, was it, Mr. Sinclair?

MR. SINCLAIR: It was for failing to bring their movement under control and knowing that the track was clear before proceeding through the yard limits; that is what Rule 93 required them to do. The engineman did not bring his movement under control, so he got 40 demerit marks for that, and for not seeing that the head end trainman was in his proper position in the cab on the movement to observe the situation ahead. Fireman Struger received 30 demerit marks for also not complying with Rule 93, knowing that the track was clear before going through the yard. The head trainman got 30 demerit marks for not being in a position in the cab to look ahead and observe the movement, thereby contributing to the accident.

This situation is not unlike the Rush Lake situation which came up during Mr. Doull's evidence, where the head trainman, in that case, was in a proper position, the fireman and engineman were dismissed for a violation of the rule and the head trainman was not dismissed because he had protested, but he was disciplined

for not taking effective action in protesting again or more strongly.

THE CHAIRMAN: The Rush Lake case, was it some object on the track that should have been seen or was it a signal?

MR. SINCLAIR: No, it was a train on the track. These extra trains must approach --

THE CHAIRMAN: No, no, but it is not the same as this. If I understand this one properly the witness said that what they did not see was the signal, but in the Rush Lake case you say what they did not see was a train on the track.

MR. SINCLAIR: Yes, and here also they did not see a train on the track. The fireman tried to say that the reason he thought the track was clear was that he thought there was a signal governing the track on which they were which was showing a clear indication. He thought that gave them the right through the yard, but as I understand what Mr. Stewart has said --

THE CHAIRMAN: I understand from what Mr. Stewart said that the demerit marks were given not for failing to observe something on the track but for failing to observe a signal.

THE WITNESS: No, for failing to observe that the track ahead of the movement was occupied.

BY THE CHAIRMAN:

Q It was occupied and neither the fireman nor the engineer saw it?

A No, sir.

Q Could both have seen it?

A No, the engineer could not.

THE CHAIRMAN: What about Rush Lake?

MR. SINCLAIR: Rush Lake, sir, they both could have seen it.

THE CHAIRMAN: And neither did?

MR. SINCLAIR: Neither did.

THE CHAIRMAN: These two incidents are different in that respect?

MR. SINCLAIR: In that respect, yes.

BY MR. SINCLAIR:

Q Now, Mr. Stewart, you talked about your days firing?

A Yes.

Q One of the types of engines you fired was the N-2, that is the 3700?

A Yes, sir.

Q 3600, I think, is the designation of what?

A I could not tell you. I think they are the same type of engine.

Q They were a very tough engine to fire?

A Some of them were and some were not.

Q As a matter of fact, your own lodge objected

just within the last year or so to the company about asking firemen to hand-fire this N-2 locomotive, did they not?

A They have, yes.

Q They took the position it was putting an undue burden on the fireman to have to shovel the amount of coal that was required on a N-2 locomotive specifically between Toronto and Havelock?

A Yes, and I understand at one time there was an agreement with the C.P.R. and the Brotherhood that all these engines, when they were taken into Montreal, were to come out equipped as stoker engines.

Q But the reason the Brotherhood wanted that was because of the very heavy work for the fireman?

A It is heavy work on that particular subdivision. Over half the subdivision is uphill and the other half is downhill.

Q We have had people describe that as uphill both ways.

A It is to the centre.

Q And over that subdivision, it is not unusual to burn 12 tons of coal?

A Never burned that much, sir, in my experience.

Q On a N-2?

A An N-2.

Q Isn't that what the Brotherhood is taking

the position about, the firemen had to shovel that much?

A I could not tell you.

Q You know that run and you know the engine?

A Yes, I know the run and I know the engine.
I do not know what engines are on it now.
I think there are 5300 engines on it.

Q That is a stoker-fired engine?

A Yes, sir.

Q With a N-2 engine over that subdivision, using we will say 10 tons of coal, how much time do you think you would be on the deck?

A Well, sir, Toronto to the other side, east of Myrtle, I would say you would be on the deck about 70 per cent of the time.

Q If you got fine coal or bad coal it would go up from there?

A Not a great deal, sir.

Q Not a great deal?

A No, sir.

Q In other words, you are saying that you would be there 70 per cent of the time because it is --

A I would say that that is the maximum, but from that point in the route as far as Peterboro I would say a man would not be on the deck more than maybe just 10 per cent of the time.

Q You are drifting down hill?

A Yes, sir.

Q You said that you were a fireman on passenger runs, is that right?

A Yes, sir.

Q Did you ever hand-fire a G-3?

A Is that the 2900?

- Q No, that is the 2300.
- A No, sir.
- Q You do know from your brotherhood activities that the Brotherhood of Locomotive Firemen and Enginemen have taken a very strong stand with regard to requiring firemen to hand-fire a G-3 and that is why the company first put stokers on G-3's; is that not right?
- A That is before my time.
- Q That is before your time?
- A Yes, sir.
- Q You just started in 1945?
- A Yes, sir.
- Q You have hand-fired a 2900?
- A Yes, sir.
- Q On high-speed passenger runs?
- A Yes, sir.
- Q 19 and 20?
- A No, sir.
- Q You know the 19 and 20 runs?
- A Yes, sir.
- Q That is Toronto to London?
- A And London to Windsor.
- Q Suppose they were running, Mr. Stewart, the F-1 class, is that not the 2900 --
- I am just trying to get these items fitted into some of the exhibits we have.
- A I could not tell you that.
- Q I think that is what it is. If you were

hand-firing on a F-1 between Toronto and Detroit, with we will say 12 cars, how much time do you think you would be on the deck?

A That engine would not move 12 cars over that division.

Q How many would it pull?

A I think about five. To the best of my knowledge that is what that class of engine would pull. My experience on that engine was on the Hamilton subdivision with about four cars.

Q Let us say you have five cars between Toronto and Hamilton and Hamilton and Windsor. How much time do you think you would be on the deck to look after the hand-firing?

MR. LEWIS: Toronto to London.

BY MR. SINCLAIR:

Q Very well, Toronto to London?

A I would not like to even estimate that because I never hand-fired on 19 and have no idea. I have heard firemen say it was a very good job.

Q You would not agree with people who have said that hand-firing on 21 or 22 or on 19 and 20 would be a very busy job?

A Not from what the men told me themselves, the men who are engineers now that fired those trains.

- Q Were you here when Mr. Crate gave his evidence?
- A No, sir.
- Q You were not here?
- A No, sir.
- Q You have not read his testimony?
- A No, sir.
- Q On what passenger runs did you hand fire?
- A Just on the Hamilton.
- Q Just on the Hamilton?
- A Yes, sir.
- Q What class of power?
- A 2900; 15 and 16 engines.
- Q Four cars?
- A No, sir, 15 and 16 Toronto, Hamilton and Buffalo engines; they had bigger trains.
- Q About how much time would you be on the deck on that run?
- A On the 2900 I would come from Hamilton or Burlington to Mimico with just five fires.
- Q That is over the entire division?
- A I did not mean over the entire division.
- Q What is your estimate of the time on the deck on that run?
- A I would not think you would be on the deck more than about 20 per cent of the time with regular engineers.
- Q Twenty per cent; how many minutes? I am talking about how long.

- A You would only be on the deck just a matter of two or three minutes at a time.
- Q That is a very short run, is it not?
- A It is a short run, yes.
- Q You go over it in how many minutes?
- A I think it is 55; 50 to 55; with some trains it is an hour and five minutes.
- Q That is with a regular engineer, a man who would not be too hard on firemen, you figure you would be about 20 per cent of your time on deck?
- A That is about right.
- Q But take a man who was not the regular engineer; for instance, how much time would you put a fireman on the deck?
- A I could not tell you. Not any more than I could help.
- Q Would it be more than 20 per cent?
- A I don't think so; it could be.
- Q Were you ever with an engineer who took more than 20 per cent of the fireman's time on the run on the deck?
- A Yes, I have been. It would take a little more; not an awful lot.
- Q Have you ever had a run where you were on the deck practically all the time?
- A Yes, sir.
- Q When was that happening, on a passenger run?
- A Yes, sir.

- Q Did you slow down or did you keep your scheduled time?
- A No, sir, we kept our scheduled time. We had a master mechanic riding with us that time.
- Q He was down giving you a hand?
- A No, sir. He stayed on the stoker with us one night. We had bad coal.
- Q That was a stoker-fired engine?
- A Yes, sir.
- Q Were you ever on the deck practically for the entire trip with a hand-fired engine?
- A Not to my knowledge, sir; no.
- Q But you have heard of cases that have been described to you by other firemen who have run into trips like that?
- A Not that I can recall, of anybody saying they were on the deck 100 per cent of the time.
- Q Well, maybe 20 per cent, I am saying practically?
- A I have heard of men who came in and said it was a rotten trip.
- Q You did not ask them what percentage of time they were on the deck?
- A No, sir, I did not ask them. I didn't have any reason to ask them what percentage.
- Q Did you ever hand-fire a H-1 when the

stoker was not working, that is a 2800?

A No, sir.

Q A P-1 when the stoker was not working?

A No, sir.

Q A P-2?

A No, sir.

Q A P-3?

A No, sir; one G-3.

Q You say a G-3?

A Once.

Q How did you get along then?

A Very well.

Q Do you know that if the stoker was not working on a G-3 leaving a terminal the brotherhood took the position that there had to be an assistant fireman assigned to the engine?

A I have seen that done.

Q The reason for that was that the fireman could not stand the physical effort of firing a G-3?

A That is right. That is due to the fact that there is no shovelling plate on the G-3 engine. You have approximately three feet to go back in to get into the coal extra. There has to be somebody to have the coal, put the coal out to where you can reach it.

Q It is not an unheard of thing to have coal passers on certain runs riding

with the fireman to assist him?

A Only once that I know of that that was ever done in my time on the divisions I have worked on.

Q Did you give weight to all these factors in arriving at your estimate, or were you talking about when everything was going well?

A I was taking it on the average trips I had made.

Q That is when everything was going well?

A On the general trips, not taking one special trip or one bad trip, just the whole, for the whole of my experience.

Q You have given weight, have you, witness, to the fact that the engine might not be steaming well which would increase the amount of time a man would be on the deck?

A I have seen engines that were not steaming well for one reason or another.

Q And you gave weight to that in your estimate?

A Yes.

Q How many engines have you had that were not steaming well?

A Mr. Sinclair, I would not like to make an estimate on that because it would only be a blind guess. Your own guess would be as good as mine.

Q Was it your experience that most of the engines you were running with were all tight and not leaking steam?

A No, I would not say they were all tight and not leaking steam.

Q That would certainly affect the amount of time?

A Not a great deal, sir.

Q What about if the flues were fouled up, would that affect the steaming?

A It would, yes.

Q The head end being dirty, would that affect the steaming?

A You mean the front end plugged up on the engine?

Q Yes.

A I never saw that.

Q You never saw that?

A I never saw that.

Q This master mechanic, when he was with you what was he doing?

A He was watching; he was sitting on the fireman's side watching out.

Q Watching out. Have you ever seen a passenger train running with nobody up there on the left-hand side?

A No; over the whole division, do you mean? When you are hand-firing an engine there is momentarily nobody there.

Q I mean more than momentarily, Mr. Stewart.

- A No, I cannot say for any great amount of time I have ever seen a passenger train --
- Q Have you ever seen a passenger train go through a station with nobody on the left-hand side?
- A No, sir.
- Q You have never seen that?
- A I have never seen that.
- Q Have you looked?
- A I usually look at the engine.
- Q Which side?
- A It depends on which side of me the engine was.
- Q Do you think that as far as you were concerned the fireman was more concerned with maintaining a lookout than he was with maintaining steam pressure? Would you put it that way?
- A No, sir, I do not put it that way.
- Q You would agree with me that -- as a fireman I know you would -- his first job is to keep up steam pressure and to keep water in the boiler and look after the fire?
- A I do not think that I can just agree with that altogether, Mr. Sinclair.
- Q You do not think **that** that was his first duty?
- A It may have been classed as the first

duty, but there are other things that come into bearing with that.

Q But the primary duty of a fireman, would you or would you not agree, is to maintain steam pressure and to look after his fire?

A The primary duty, yes.

Q And in so far as these trips are concerned the head trainman would be in position to maintain a forward lookout to a greater extent than would the fireman?

A No, not always, sir.

Q I said taking the trips on the average.

A On the average I would say it would be about equal.

Q What was the head trainman, why could not he keep a lookout all the time except for the odd running inspection he might make?

A Everyone knows that on some of our engines the brakeman cannot see over the top of the fireman.

Q That is on stoker-fired engines?

A On some of our stoker-fired engines.

Q I am talking about hand-fired, what about hand-fired power?

A Oh, on hand-fired power, if he was in his seat he would be able to see out.

Q He would on a hand-fired powered engine

be able to keep a lookout to a greater extent than would the fireman?

A Yes.

Q On stoker power you say that the fireman would be in his way?

A That is right.

BY THE CHAIRMAN:

Q Does that mean that with stoker power nobody is keeping a lookout on the left-hand side at certain times?

A No, sir.

Q What does it mean?

A It means that when the fireman is sitting looking out the brakeman is behind him and in the majority of cases he is sitting lower than what the fireman is.

Q Yes, but when the fireman is busy at the stoker or at the stoker engine and cannot look out, he is still in the view of the trainman?

A No, sir. If he was on the deck he would be out of the road of the trainman. The trainman sits directly behind the fireman.

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Q What I want to know is if when the fireman is paying attention to his engine, and I do not necessarily mean on the deck but rather that his attention is on the engine, would he still be in the view of the trainman so that there would be no one looking out on the left-hand side?

A It might happen for a few seconds or something that way, yes sir.

BY MR. SINCLAIR:

Q You explained to my friend, Mr. Lewis, this morning that if there was some carbonization or caking on your distributor plate on a stoked-fired engine you would clean that off from your seat with the scraping tool?

A That is what I believe that Mr. Justice Kellock is referring to.

THE CHAIRMAN: No, not necessarily. I was referring to anything that might take your attention.

BY MR. SINCLAIR:

Q But that is what you did do?

A Yes.

Q Did you ever have a situation where you could not clean it from your seat?

A There may have been occasions when the jets would be plugged and you would have to get down off the seat.

Q Let us say that the jets are all right but that the plate is building up all the time on

you with carbon so you are not getting proper distribution of your coal over the plate into the fire?

A That would be very very seldom that a man wouldn't be able to get it from the seat, sir.

Q But there would be occasions where you could not do it?

A There may be the odd occasion where you could not get it.

Q And you would have to get down and clean it from the deck?

A Yes.

Q That would apply on passenger power?

A Yes, it would apply on any stoker power.

Q And you would have to watch it carefully that it did not build up again, would you not?

A You would have -- not particularly watch it carefully. You would be watching out, you would be watching the different conditions that you watch for in that particular case and a glance would tell you if it was happening.

Q You mean you would look ^{the} to/one and then look ahead and then look back again?

A You would more or less just glance at it, yes.

Q You would be able to maintain what you think is an adequate look-out forward and conduct this other job of watching at the same time?

A To see that nothing took place, yes.

Q Now, I remember reading some evidence one

time put in by the Brotherhood of Locomotive Firemen in a case, Mr. Stewart, about firemen complaining about being fire blind from getting down and watching the fire and being unable to see anything when they got back up on the seat. Has that ever happened to you or do you think my recollection is right?

A That, sir, is when you look into the fire box with the stoker working you invariably get that.

Q And you have had that happen to you?

A I did at first, yes, until I learned I couldn't see anything and I might just as well leave the door shut as to --

Q And when that happened to you did you say to the engineman, "I am blind, slow down, I cannot see ahead"?

A No, sir.

Q Now, in regard to these stoker engines and the positioning of the trainman behind the fireman, you said to me that you did not think that the trainman could see ahead. Is that right?

A In the majority of cases on freight engines I have been on and around our terminal I would say that the fireman cannot see over the top -- the brakeman cannot see over the top of the fireman.

Q Can he see out the side?

A He can out of the little window that is in the door, yes.

Q And as a matter of fact he did maintain a look-out ahead, didn't he, when he was riding?

A When he could see, yes.

Q But he was able either to look past you or look out the side window?

A He could stand up and look past me and in the majority of our engines, in some of our engines -- I shouldn't say the majority -- he would have to stand up to look out the side window.

Q And did he keep a look-out ahead under those circumstances?

A Sometimes he would get up and look ahead and inspect the train looking back.

Q Did you as the fireman inspect your train by looking back too?

A Yes sir, at times.

Q Did he look ahead when you looked back or did he look back at the same time?

A Sometimes he was looking back when I was.

Q Both of you looked back at the same time?

A Yes.

Q That is not unusual, is it, that when the one man turns around the other fellow turns around too to see what he is looking at? Isn't that right?

A No sir. In one case that I know of at an investigation the fireman was asked when he last inspected the train, a case of where a journal was broke off.

Q He didn't know when he last inspected it?

A Yes, he did.

Q So he does look back? Is that what you mean to say?

A He was expected to look back.

Q He is required to look back under the rule?

A As well as everybody else, yes.

Q You have never had an occurrence where you have had to shovel 28 tons of coal over a subdivision like the Brotherhood referred to in the exhibit I filed here the other day, Exhibit 199. That had to do with ^ahand-fired P-1, handling 28 tons of coal, and another time 14 to 20 tons of coal. You never had that experience?

A No, sir.

Q But in view of the fact that the Brotherhood have stated it you would not disagree with it, would you?

A I believe at that time that was a different class of engine, was it not, the hand-fired engine at that time?

THE CHAIRMAN: I cannot hear you.

THE WITNESS: I was asking Mr. Sinclair was that a hand-fired engine at the time or was it a stoker engine?

BY MR. SSINCLAIR:

Q A hand-fired P-1?

A Sir, I never saw one.

Q But what I am saying to you is that this is ~~some~~ evidence that I am sure you as an

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officer of the Brotherhood would not disagree with, that these people did have to do this amount of work?

A I couldn't make a comment on it because I have never had any experience in regard to it.

Q Actually most of your time has really been on stoker, I take it, from your firing duties here? Is that right?

A Except when I was on the spare board, sir -- well, when we were on the pool we had hand-fired engines.

Q The G-3's, they were all stoker when you were on them?

A Yes.

Q The 2400's were all stoker?

A Yes.

Q And the H-1's, the 2800's?

A Yes.

Q And the K-1's, they were stokers?

A The 3100's, yes.

Q That is an interesting engine, Mr. Stewart. Did you ever have the misfortune of ^{the} steam going on a K-1?

A No, sir.

Q That was a high-speed passenger engine, wasn't it? It used to travel on 21 and 22?

A On the east end of Toronto, yes. I don't think it was a high-speed passenger train. It was a heavy duty train.

Q Heavy duty -- well, 70 miles an hour?

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- A I think what you are referring to is the 3000 class engine.
- Q All right, take the 3000. Did you ever hand-fire them?
- A No, sir.
- Q Were you ever on one of those when the stoker went
- A No, sir.
- Q If the stoker went on a 3000 or 3100 in passenger service, do you think you would be able to be on the seat very much?
- A I couldn't tell you, sir. The only instance I know of the stoker failing on a 3100 type engine, a fireman from Smiths Falls, I believe his name was Tyson, got merit marks for bringing it into Trenton where they took it off the train, hand firing.
- Q It is a very difficult job, a fairly shallow fire box?
- A I couldn't tell you whether it was difficult or not, sir.
- Q You just don't know?
- A I just don't know.
- Q Well now, Mr. Stewart, let us take a look at a couple of these exhibits that you have put in. Have you got Exhibit 210 before you?
- A Yes, sir.
- Q Oh, I am sorry. Before I leave that, I think you said that in yard service you had shovelled between $2\frac{1}{2}$ and 3 tons of coal?

A Yes, sir.

Q I think you mentioned a 6200?

A Yes, sir.

Q That is a very light yard engine?

A No, I wouldn't say it was a light yard engine.

Q Well, compared with the 6600?

A Compared with the 6600 it is a smaller engine.

Q On a 6600 how many tons of coal would you shovel?

A Well, not a great deal more. On a heavy job you might shovel 4 tons but I don't think -- they only had small tenders and they would work two shifts without recoaling.

Q You think they only held about how many tons?

A I couldn't tell you, sir. They were not around Lambton too long. There was only two of them there and it was just occasionally that I was called for them.

Q You would use up about what, two-thirds of the tender capacity?

A Oh, no.

Q Half of it?

A You wouldn't use half of it.

Q You wouldn't use half of it on one shift on a 6600 on a transfer?

A I never had them on a transfer, sir. The only job I ever saw them on was a lead job, a three shift job, and it worked two shifts and was changed over.

Q And you think you would use about how much,

about half a tender full or a little less?

A On the lead job that it was on?

Q Yes?

A No, you would use less than half a tender full.

Q How much less than half?

A Quite a bit less.

Q Would it be a quarter?

A No, it would be -- oh, I just couldn't tell you, Mr. Sinclair. It was less than half a tender. I know that the tenders were never stripped. They were brought in and recoaled after they had worked two shifts. Sometimes they would work over two shifts before the herder crew would get them and change them.

Q Did you ever take over a yard engine that did not have a good head of steam on it and the fire was low?

A I may have occasionally. Right offhand I just don't --

Q Did you ever have any difficulty bringing that up without making smoke in the Toronto Terminals?

A Well, I just wouldn't like to go on record as saying yes on that and yet I don't recall ever having any great deal of trouble getting them steamed up.

Q Without smoke?

A I didn't say without smoke. I said getting them steamed up.

Q Well, to control the smoke you have to put in

light fires, do you not, and make sure that they are burned up before you put more coal on when you are building it up? Is that correct?

A You build your fire up -- as a rule on a yard engine like that you would build up one side at a time.

Q But you have to make sure that it burns up?

A Well, while one side was burning up you could be firing the other side and that would keep your smoke controlled and, furthermore, the engines were nearly all equipped with consumers.

Q Yes, but you know how difficult it is to keep the smoke down in Toronto and satisfy the people of that city about the smoke from steam engines around the yards, don't you?

A I have heard it.

Q And that firemen were constantly being told to watch their fires so that we would have a defence when people objected to it?

A I don't know why. I never heard it put that way, that it was a defence.

Q Well, we try to do the best we can, is that what you are saying, to stop the smoke?

A The firemen --

Q Co-operated?

A Co-operated to the extent --

Q That they could?

A That they watched the smoke as much as they could.

Q And if they had to be on the deck a little more

to control the smoke it was quite proper to do so? Isn't that a fact, Mr. Stewart?

A Well, in Toronto Terminals, in the yard engines they had, there were times and places where they could, yes.

I.A.Stewart

- Q Well now, looking at Exhibit 210, if I recollect what you said here, you had an engine that was headed west?
- A That is right, sir.
- Q And that you coupled cars on to the point of the engine -- that is on to the point of the engine itself?
- A Yes sir.
- Q And then you came east across Keating Street?
- A Yes sir.
- Q Stopping at Booth Avenue on one occasion?
- A That was during a switching movement that I mentioned stopping at Booth Avenue when we were switching cars back into the yard and not coming out.
- Q All right; you stopped on Booth and your engine was on Booth?
- A Across Keating at Booth Avenue. That is an intersection and it goes right through.
- Q You were blocking Booth Avenue and Keating Street?
- A Yes sir.
- Q And your engine follower, as I recollect it, was at the switch on the lead at track 4?
- A Down in about track 4, yes sir.
- Q And the foreman was three or four cars into track 4 where the joint was to be made?
- A He was in at the point of the joint. I just could not say three or four cars.

I.A.Stewart

Q That is what you said this morning.

HON. MR.MARTINEAU: Mr. Stewart, would you turn around, please?

THE WITNESS: Pardon me, sir.

BY MR. SINCLAIR:

Q That is what you said this morning?

A I think he was in about three or four cars.
If I said that definitely, I am sorry.
I should have said I estimated that.

Q And between the foreman and the engine follower who was at the switch there was a fieldman?

A Yes sir; pulling pins.

Q Doing what?

A He was going to pull the pins.

Q He was going to pull the pins?

A Yes sir.

Q And you say that the engine follower was giving you proceed signals -- that is, to keep on shoving into track 4?

A Yes sir.

Q And the fieldman's light went out?

A That is right.

Q And the engine follower kept on giving you proceed signals?

A Yes sir; that is right.

THE CHAIRMAN: The engine follower being where again?

MR. SINCLAIR: At the switch at track 4.

THE WITNESS: At the switch, sir.

I.A.Stewart

BY THE CHAIRMAN:

Q The other two would be in the yard on the north side of No.4?

A Yes sir.

MR. SINCLAIR: As I understand it there would be three or four cars into No.4 and the three or four cars -- approximately, the witness says that is his estimate and it may be more -- the foreman was back there and between the foreman and the engine follower was the fieldman and the signals were moving from the yard foreman to the fieldman to the engine follower to the engine.

THE WITNESS: Yes sir.

BY MR. SINCLAIR:

Q On this particular occasion the fieldman -- that would be the middle man of the three in sequence -- his lamp went out.

A That is right.

Q And the engine follower kept on giving proceed signals?

A Yes.

Q Now, Mr.Stewart, that engine follower should have given you a stop signal when he lost the fieldman's signals, should he not?

A He should have, yes.

Q But he did not?

A No sir.

Q Then you said that the foreman having noted that the fieldman's light went out --

A Yes sir.

I.A.Stewart

Q Crossed between the cars?

A When I pulled the cars back to take the slack he passed between them, yes.

Q He crossed in between your cut of the cars that were on the track when you took the slack?

A When I backed up to take the slack he ran across in between them.

Q And gave a stop signal to the fireman?

A That is right.

Q Mr. Stewart, why did he not just yell to the fireman who was only I would take it perhaps 70 feet from him?

A I could not tell you, sir. I do not know why the fieldman did not yell to the pin boy.

Q He could have done so?

A I could not tell you whether there would be any reason why he would not yell.

Q If the light went out and he saw a proceed signal going and he was trying to stop the movement it would have been a very simple thing for him to draw it to the attention of the engine follower, would it not?

A I could not tell you what a man thinks of in those cases.

Q It was a kind of dangerous move, was it not, to run between your cut and the other cars while you were taking the slack, was it not?

I.A.Stewart

A That is right, but it would have been more dangerous

BY THE CHAIRMAN:

Q If there had been any cars standing on tracks 1, 2 and 3, then he could not have seen the fireman, could he?

A There were cars on there, sir, but they were not far enough out that they blocked his vision on that particular night.

Q If they had been, he could not have seen far enough?

A No.

BY MR. SINCLAIR:

Q What you are saying is that this foreman ran across there rather than shout to his mates to stop the movement?

A No sir, I am not saying he ran across there rather than shout. I told you I do not know why he ran across there or why he did not shout. I know he got to a position that he could give a stop signal and stopped the movement but why he did it that way or what he was thinking about I could not tell you.

Q You later went on to say to Mr. Lewis that what you described was typical and not unusual. Would you mind telling the Commission about another case that was like this one that you have just described and that I have been asking questions about.

I.A.Stewart

When did you have another movement like that?

A I have only had one other occasion where cars have run away.

Q This is not a case of cars running away.

A Oh no. I should say, sir, I think it was a typical thing to happen on the railroad -- that it does not happen every day but it does happen.

Q But you never had another situation develop such as this one?

A Just such as this one, no sir, I never have, but if it is circumstances you want in relation to cars upsetting or something like that --

BY THE CHAIRMAN:

Q Just stick with this one, Mr. Stewart. How many cars would be on track 4 that night? Your engine was down at Booth and Keating. How many cars would actually be on No.4 yard track?

A That particular night, sir, the only cars that were on the track were the ones we had just put there.

Q How many?

A I do not know whether it was two or three.

Q Well then, there could^{not}/have been a great distance between the most westerly member of the yard crew and the engine follower at the switch, could there?

A No, there was not a great distance between them.

Q And that would be a straight line?

I.A.Stewart

A Practically, yes.

Q Well, if the middleman's light went out, why couldn't the man at the switch see the signal lantern of the most westerly man who was up there where the actual trouble was?

A He was around a slight curve on the lead.

Q No, I am not talking about the lead.

A That is where he was. That is where the engine follower was.

Q Oh, I thought you said he was at the switch?

A Yes, but the switch is on the lead, sir.

Q So he could not see the most westerly member of the crew?

A He could not see from where he was standing, no.

HON. MR.MARTINEAU: But wasn't it the duty of the pin boy to stop the movement when first he stopped seeing the light of the fieldman?

MR. SINCLAIR: The witness has said, "Yes" in reply to that question. I put that question to him and he said, "Yes". However, he did not do it on this occasion.

THE WITNESS: It is not an uncommon occasion, sir, if I may explain, for a movement if it is going any great distance -- for a signal to be given and then no more signal until it is time to slow the movement up.

BY MR. SINCLAIR:

Q But in this case, witness, I established with you that the engine follower was continuing to

give you a proceed signal?

A Yes.

Q And he cannot continue to give you a proceed signal in the sequence unless he has the signal which he is relaying in view, and when that disappeared he should put you to a stop?

A I would agree with that, sir, but as I was trying to explain there are cases -- and innumerable cases -- where you get a signal. You will get it from the engine follower and he will get it from the fieldman or the foreman.

BY THE CHAIRMAN:

Q But that would be a different situation, as I understand it, from this one that we are considering?

A Well, the only reason we are considering this one is because there was an affair. What I am trying to explain, sir, is the fact that because the engine follower did not get another signal -- even though rule 7(a) does say that once the signal goes out of view the movement must be brought to a stop -- but if a man knows -- and they do -- that a movement is going to be pushed for ten, 15 or 20 car lengths he will just give the signal and there will be no more signals passed until you are getting close to the end of the movement.

BY MR. SINCLAIR:

Q That is a very different situation to this

where there is a sequence of continuous signals that have been given?

A That signal is given in sequence, too, sir, but it is stopped then.

Q But here the signal was still with you, as I established with you. It was being given to you. The sequence was still in operation?

A Yes.

Q And in those circumstances when one of the signals disappears from view you must stop. Any man would stop under those circumstances unless he made a mistake, wouldn't he, Mr. Stewart?

A I could not tell you. I did not lose the signal.

Q If you lost a signal under those circumstances, would you stop?

A If I had been getting a slow signal or something like that I imagine I would have.

Q If you saw one signal in the sequence go out, wouldn't you stop?

A If I saw one signal in a sequence go out -- you mean, see that the lamp went out or see the lantern disappear under some unusual circumstances?

Q That is right.

A Then I would stop definitely.

Q Well now, as I take it, this is the only instance then that you have had where the

I.A.Stewart

situation would be parallel to the one we have been describing here in relation to this move where the foreman ran between the cars to go over to the left side to give the signal?

A That is in my short time, yes. That is the only one I have had. Of course, I am only a short time on this job.

BY THE CHAIRMAN:

Q What about signal lamps going out?
Have you had any other experience of that?

A Oh, every day, yes.

Q Every day?

A They will go out invariably; you can watch switchmen switching and there are times when a switchman will have trouble keeping his lamp lit, for some unknown reason. I do not know -- some switchmen do not seem to have any trouble and some have quite an amount of trouble keeping the lanterns lit.

Q What do you do in that case?

A In the majority of cases it is always when they go out just a matter of knowing it went out and you see him light a match and light it again.

Q Well then, what about the Toronto Lambton yard which is flood lighted? What good is a signal lantern? Can you see the lamp as well as the man?

A Not in all places, no sir. In some places

I.A.Stewart

the lights themselves -- the flood lights themselves -- will bother you to a certain extent of what you can see in the reflections.

BY MR. SINCLAIR:

- Q Looking again at Exhibit 210, you described another move and that had to do with what you said was certain difficulty you had in switching Dominion Tar and Shell Oil with the engine pointed west?
- A Yes, I said that with the engine pointed west the signals at Dominion Tar and Shell Oil were on the fireman's side.
- Q Yes; and then you said, I think, Mr. Stewart, that at the end of last year the engine was turned to be pointed east?
- A No sir, I did not say at the end of last year. It was turned last summer for a short time. The engine that worked at Dominion Tar. The engine I worked on in the afternoon switch on that job did not turn. It was still headed west and the engine that went out to work after one o'clock some time, it was headed east.
- Q Yes?
- A But I did not say that the job I was talking about was turned last year. It has only been turned just recently.
- Q One of these engines was turned, you say, when? Last August?
- A There was one turned last August and turned

back again.

Q I see; and then you say when -- around the end of last year -- they were all turned, were they? All those that were working on this job?

A No, the midnight job was never headed any way but

Q But west?

A East.

Q East?

A The job for that particular engine --

Q It was always turned east, was it?

A That particular engine, as I understand it, -- I never worked on the engine -- but the job that it was ordered for was to switch the Shell Oil.

Q Yes?

A And it was headed east.

Q It was always headed east?

A It was always headed east.

Q But since around the end of last year the other two engines which did other jobs were also turned east, is that what you are saying?

A No sir, just recently.

Q Well, all right -- a couple of months ago?

A I do not think it is that long sir.

Q But now one engine was always turned east -- that was the midnight. Recently -- and we

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will not say how long ago -- but recently the other two engines were also turned headed east?

A That is right. Last year the afternoon engine was not turned. The day engine was turned but the afternoon engine was brought in and turned around again for him to back out.

Q And you say that ^{with} the engines headed east

there is no difficulty now in relaying signals to the engineman at Dominion Tar or at Shell Oil?

A No sir.

Q But I think you went on to say that with the engine headed that way there were certain -- I have your words in my notes and if this is wrong you say that it is wrong -- that it "created a hazard in switching the yard". Is that not right?

A Yes, you may put that down. It may be just a mental hazard that you have not got with the usual switching at that point. As I have done it and have seen it done with a number of cars the engineer always had a clear view of the crossing being blocked -- the double crossing at Booth Avenue and Keating Street. He knew that traffic had stopped before he moved across there but now he has no way of knowing if traffic is stopped.

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Robertson

I.A. Stewart

Q And that is the hazard you had in mind?

A You have that as a hazard, yes.

Q In other words, you had to rely on the actions of the ground crew rather than see yourself?

A That is right.

MR. SINCLAIR: I do not know whether you want a break this afternoon. I am just about finished with this witness, and maybe we could just finish with him. I am sure he would appreciate the break more then, but if you would like it now, sir?

THE CHAIRMAN: No.

BY MR. SINCLAIR:

Q You recall describing to the Commission a move with a light engine, Mr. Stewart, from, I think you said, the south to the north yard, or the north to the south yard at Parkdale?

A Yes.

Q Which was it, north to south or south to north?

A South to north.

Q And the engine follower walked ahead and got the switch?

A The No. 1 switch, yes.

Q Where were the yard foreman and the field-men at that time?

A Mr. Justice Kellock asked me that, and I told him I did not know.

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I.A. Stewart

- Q The engine follower was up at the switch and you got an alarm from your fireman -- I do not know how you described it -- about a conflicting movement?
- A I said I got a signal to proceed and when I started to proceed he hollered at me to stop.
- Q He hollered at you to stop because there was another movement coming down the lead?
- A Coming out of a track on to the lead.
- Q Coming out of another track on to the lead?
- A Yes, that is right.
- Q How fast were you moving when the fireman yelled at you?
- A Not very fast; I had just started to go ahead when he yelled at me to stop and told me what was going on.
- Q Just barely moving?
- A Just starting to move.
- Q It would be less than a mile an hour, possibly?
- A Possibly.
- Q How far were you from the switch at that time?
- A From which switch, sir?
- Q From the No. 1 switch where the engine follower was?
- A The No. 1 switch was the switch he went to line to allow me to go into the lead. I was not going into the No. 1 switch, I was going up the lead.
- Q Well, how far?

- A I would not be more than about a engine length away from him.
- Q From the lead?
- A No, from the switch.
- Q How far were you from the fouling point of the other movement?
- A There would be no fouling point. He was going down and the switch was open for him. We were coming together, there would be no fouling point at that particular point.
- Q This was a completely conflicting movement?
- A Absolutely.
- Q You say you were about an engine length away from the lead switch?
- A Yes.
- Q Where the engine follower was?
- A Yes.
- Q You were barely moving?
- A Yes.
- Q How far **was** the other fellow away from the switch, that is, the conflicting movement?
- A When on the lead, after I had stopped and went across to look, I would say he was maybe two or three car lengths away from where I was.
- Q And was it a diesel engine?
- A Yes.
- Q Was it backing cab first or engine first?
- A It was engine first.
- Q Did you notice where the engine follower

THEORY

1. INTRODUCTION

The purpose of this study is to investigate the effects of various factors on the performance of a system.

The study is divided into two main parts: a theoretical analysis and an experimental investigation.

The theoretical analysis is based on the following assumptions:

1. The system is a closed system.

2. The system is in a steady state.

3. The system is a single phase system.

The experimental investigation is based on the following assumptions:

1. The system is a closed system.

2. The system is in a steady state.

3. The system is a single phase system.

4. The system is a single phase system.

5. The system is a single phase system.

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24. The system is a single phase system.

I.A. Stewart

on that movement was? Was he at the point of the movement?

A No, sir, I did not notice where he was. There was nobody on the front of the engine. Whether he was on the ground at that particular point or not, I could not tell you.

Q That ground crew should have been protecting that movement, and likely were?

A How do you mean, protecting that movement?

Q Controlling it.

A They were, as I understand it, going to double their train over and get the rest of the train, double these two cars over and back on to their train.

Q You cannot say, can you, Mr. Stewart, and I do not think you want this Commission to believe that if it had not been for the fireman calling for you to stop there would have been an accident in this case?

A I did not just exactly refer to it in connection with an accident. If there had been nobody there, under the circumstances there quite possibly could have been a joint made with the two engines, but I am not trying to lead anyone to believe that there was actually going to be a collision, because I have seen several times conflicting movements where the whistle of a diesel has blown and saved an engine

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I.A. Stewart

hitting another or hitting something.

Q There were a number of people that could have stopped both movements. There was your own man down at the switch, and he could have swung you down?

A He could have.

Q You do not know where your other ground crew were?

A Oh, I imagine they were over checking their train.

Q But you do not know?

A No, sir.

Q You do not know where the ground crew were for the other engine?

A No.

Q They may have been able to stop?

A I do not know. They may have been on the tail of their movement.

Q But you do not know?

A I do not know.

BY THE CHAIRMAN:

Q Were both locomotives similar?

A Yes.

Q So that if they had both come together, apart from anyone else's responsibility, it would have been the responsibility of the switchman with each yard crew for permitting that to take place?

A I could not say who would be held responsible in that. As a rule, anything that has ever

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I.A. Stewart

happened in my experience with diesels, that has happened on the left-hand side, the fireman has always been criticized for it.

Q I am not speaking of that at the moment. Your own yardman, joined to your engine, was at the switch?

A Yes, sir.

Q And you were going into the yard track?

A I was going on to the lead, sir.

Q You were going on to the lead?

A Yes.

Q I thought you said both locomotives were actually on the lead when you stopped?

A When I stopped there I was stopped outside No. 1 switch and the other engine had come out of either No. 3 or No. 4 switch.

Q Then, neither of you were on the lead?

A He was going on to it and I was going on to it at the same time.

Q But neither of you were actually on it?

A Neither of us was actually on it.

Q And your switchman should not have signalled you or even thrown the switch for you to go on to that lead without knowing that anybody else was going to use that lead, and the same thing would be true for the switchman assigned to the other engine; wouldn't that be so?

A No, sir, the switching is done in such a way that -- well, to explain it, the man who

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I.A. Stewart

gets the switch is the man who uses the route.

Q Yes, but the switch that your yardman was at was not the same switch that allowed the other locomotive to get on to that lead?

A No, but what is done in a lot of cases like that, sir, you will go on to the lead and there will be Nos. 1, 2 and 3 switches lined against you.

Q And you stay where you are?

A The other fellow, the yard switchman, just goes and lines up the switches and you move down the lead. He does not inquire to find out if somebody else was going to use that switch before he makes that move.

Q Then, if I understand you, you are saying that it depends upon whether your yardman, attached to your yard engine, gets to the switch and lines it up first before the yardman attached to the other engine gets to his switch and lines it up?

A It about amounts to that, yes.

Q Whoever got there first, then the other man would have to keep his engine off that lead until the other conflicting movement was passed?

A Yes.

Q It is up to the yardman?

A Yes.

BY MR. SINCLAIR:

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I.A. Stewart

Q Again in this instance, you are not saying the yardman was not going to protect your movement properly; you do not know?

A I know I was getting the signal to go ahead after I had stopped and found out what was going on.

Q He could still have stopped you before you got to the switch?

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A Quite possibly he could have.

Q Now, this move you described at Cobourg on November 18, 1956; remember that one?

A This is the statement I have here.

Q No. 8448, extra west, coupled to an A unit, and as they were pulling out of Cobourg, I think you said the rear end trainman opened the conductor's valve and in doing so caused a very quick stop and they got a draw bar between the A unit and the road switcher?

A That is what I am instructed.

Q And as a result this move was backed into Cobourg and reversed, and they ran the A unit back end first, leading the movement?

A Right, sir.

Q And they coupled the road switcher to the nose of the A unit?

A That is right, sir.

Q And on the point of that movement, that A unit running backward, then the only place for the fireman who was stationed there would be in the door, in the door between the

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I.A. Stewart

engine room and the outside at the back end of the A unit?

A Yes, sir, I think so.

Q He would be there, as I think you said, ready to put on the emergency?

A I said he had told me there was an emergency valve just handy to where he was; a brake valve.

Q Somewhere inside?

A Just inside the door.

THE CHAIRMAN: What is the exhibit number of the picture of that type?

MR. SINCLAIR: I believe it is Exhibit 101, according to my list.

THE CHAIRMAN: I was thinking about that. I do not see any lookout point at all in this picture. There is a lookout on the left-hand side.

MR. SINCLAIR: What the witness is saying is that at the left-hand side there is a door which you can just see in this picture and the fireman was standing there.

THE CHAIRMAN: With the door open?

MR. SINCLAIR: Presumably with the door open and an emergency valve being somewhere inside close to the door; is that right?

THE WITNESS: That is what I am instructed. I could not tell you where it is.

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I.A. Stewart

MR. LEWIS: There is also a door
on the side. My friend is not referring to that,
it is the door just right at the back of
the engine.

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I.A. Stewart

MR. SINCLAIR: That is right.

THE CHAIRMAN: The door I am looking at is right beside the figure 9.

MR. SINCLAIR: No. I understand that the witness is saying it is the door at the very rear of the unit.

HON. MR. McLAURIN: The door that gives you entrance in the B unit if you are travelling A and B?

MR. SINCLAIR: That is right. What he was saying was that somewhere back in the body of the unit was an emergency valve which he could pull if it was necessary to stop the unit.

BY MR. SINCLAIR:

Q Is that correct?

A That is what I am instructed.

Q When he is standing there he is completely out of communication with the engineman who is in the cab, is he not, and out of communication with anybody in that cab?

A I could not tell you. I asked him could he relay signals and he said he had no complaints about not being able to see signals, any that he gave.

Q What he meant by that was that looking ahead he could see signals but he could not give them to the engineman?

A I could not tell you. I don't know

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I.A. Stewart

whether there is a place -- I asked him was there a place where he could go around the corner of the cab to give signals with his hand. I couldn't tell you anything at all, any more than just what I read from the statement.

Q You have been on these units, you know these units?

A I have been on them a few times, not very often.

Q I suggest to you that the fireman was there to put the emergency on if it was necessary to stop, and the engineman was operating the engine and keeping a lookout on one side and the trainman was in the cab of the engine keeping a lookout on the other side. That is the way they had that movement covered?

A That is the way I imagine it was covered.

Q Any exchange of signals between the people on that engine would be between the engineman and the trainman?

A I could not tell you about that.

Q You would agree that they would acknowledge signals across the cab?

A They would acknowledge signals across the cab, yes.

Q The fireman was not in position to do anything. You cannot shout back signals, can you?

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I.A. Stewart

A Not to my knowledge, no.

THE CHAIRMAN: I assume that the coupling of the two units could not have been made in any other way than it was made?

MR. SINCLAIR: From the way the witness has described it it would appear that the drawbar would have precluded the hooking up of the units in any other way. I do not know whether that is so or not, but from what he described I would take that to be the fact.

BY MR. SINCLAIR:

Q You would not say that that was a typical experience, would you, Mr. Stewart?

A No, I would not.

Q You have never seen that happen before?

HON. MR. McLAURIN: It would have saved us a lot of trouble if they had left that A unit at Cobourg.

MR. SINCLAIR: Which they could have done, of course.

THE WITNESS: No, they could not. They inquired about it.

BY MR. SINCLAIR:

Q They could have done it by reducing their train?

A They inquired about doing it and we were instructed to take the unit to Toronto.

Q They could have cut some of the cars and put them on another train or

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I.A. Stewart

something like that. That is what Mr. Justice McLaurin has in mind. Do you agree with that?

MR. LEWIS: I do not know that Mr. Justice McLaurin is particularly anxious to run your train operations.

MR. SINCLAIR: I do not know whether Mr. Lewis is particularly anxious either.

MR. LEWIS: As a lawyer, no; following my ideological ideas, yes.

MR. SINCLAIR: Let us keep them out of the picture.

BY MR. SINCLAIR:

Q There was one other move -- I cannot find my notes -- in which there was a conflicting Canadian National movement. Do you remember that one? It was at the Swansea transfer?

A Yes, sir.

Q And the fireman hollered to you that time to stop?

A Yes, sir.

Q At Bathurst Street?

A At Bathurst Street.

Q And the cause of that situation was you had got a proceed signal from the man who was on the car ahead of the engine, on top?

A Yes.

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I.A. Stewart

Q He was getting signals down there to cross over the switch from the switch tender?

A I could not tell you where he was getting them.

Q You did not know how far you were from the actual crossing?

A I did not know how many cars I was away or how far he was getting the signals from.

Q But your fireman again called on you to stop?

A Yes, he seen the switch had not been lined.

Q He saw that the switch had not been lined and you stopped. When you stopped you still did not know how far you were from the switch?

A No, sir.

Q There was one of your ground crew on the point of the movement, was there not?

A To the best of my knowledge there was two men.

Q Two men on the point of that movement?

A In the van or on top of the van some place, I could not tell you.

Q You were pushing the van?

A We were pushing the van, yes.

Q There might have been one man in the cupalo or on the top of the steps?

T-6

I.A. Stewart

- A Could have been, yes.
- Q He might have felt that he had sufficient time to go to allow the switch tender to throw the switch?
- A I could not agree with that because the switch was on the opposite side of the track to where the switch tender was.
- Q He could step across?
- A Well, to step across the track he would have to step across in front of the movement.
- Q In front of your movement?
- A And he had walked from that side over.
- Q Who told you that?
- A I saw him when I went past him.
- Q From what you have said to the Commission I take it that what you mean by this is that you did not know under this circumstance whether your movement had been brought to a stop by the people on the point of the movement or not?
- A I could not tell you.
- Q You could not tell the Commission that?
- A No.
- Q In any event Jackson says, "Stop, the switch is wrong"?
- A Yes.
- Q Jackson was a pretty talkative fellow, was he not?
- A When he gets in certain places, yes.

T-7

I.A. Stewart

- Q As a matter of fact he does practically nothing else but talk and you cannot control him; he is an impressionist sort of man; would you agree with that?
- A When he is working he is not like that.
- Q When he is working?
- A When the engine is working he is very alert and a good man to be with.
- Q But he was a little bit of an alarmist, don't you think so?
- A No, I wouldn't agree with that.
- Q You would not agree with that?
- A No, I wouldn't agree with it, Mr. Sinclair.
- Q We had an opportunity in another place and at another time of seeing him and I think we all got the idea he was a bit of an alarmist. He gave the wrong impression that time, did he?
- A I do not know what impression you got from him, I am sure, but I do know that he was a very good man to work with.
- Q In any event, the point is this: how many times has this happened to you, where you had somebody on the front of the movement on the fireman's side stop because the switch was wrongly turned?
- A I have had that happen numerous times.
- Q Numerous times?
- A Yes. In fact at one particular point that man riding on the point of the

T-8

I.A. Stewart

movement was at the point of the movement and we ran through the switch because he had got off the engine and thrown it in front of him and I did not notice it.

Q That is one; you say numerous times. How many times has the fireman stopped you from running a switch?

A Mr. Sinclair, on some jobs that we worked, particularly in the Lambton wayfreight yard, you have no way of seeing the fouling point in that particular yard and on almost every switching movement that you move up there with a certain amount of cars -- I don't know just what the amount of cars are -- you will inquire from the fireman to tell you when you are getting close to the fouling point and he will tell you sometimes the switch is wrong and sometimes it isn't.

Q Is not there one of your ground crew on the point of that movement?

A No, sir.

Q Why?

A They are back where the work is being done, behind you.

Q Why could not one come forward?

A I couldn't tell you.

Q He could if he was directed to?

T-9

I.A. Stewart

- A He has his work to do and it never has been done that way.
- Q If he was directed to come forward, if there was no fireman there and the yard foreman said he was to watch the movement, that he was to come forward to direct the movement, that could be done?
- A There are lots of things that could be done.
- Q That could be done?
- A That could be done, yes; I will agree with that, but it has never been done and it is not being done to the best of my knowledge even right now.
- Q If that was done there would be a man right at the switch controlling the movement, would there not?
- A Yes.
- Q As an engineman, if there was no fireman, unless you had a man there you would not move if you could not see the switch, would you?
- A No, with no fireman there.
- Q You would not move?
- A No.
- Q You would wait until somebody went up there and saw the switch was properly lined and gave you the signal to proceed?
- A You would go up to a certain point. You wouldn't go up to where you would be

T-10

I.A. Stewart

close to the fouling point.

Q You would stop clear of the fouling point unless somebody was in advance of your movement directing you to proceed?

A That is right.

Q That would be completely safe in so far as that switch was concerned and that movement?

A Yes, but on the other hand on that particular move you are suggesting there you would be taking another man away from his regular work to do that.

Q You have mentioned that two or three times, and so have some of these other witnesses for the brotherhood. You are not suggesting that there are not many moves that are made in the yards every day that could properly be made with a ground crew of two rather than a ground crew of three?

A I am not making any suggestion.

Q You know that there are many movements that require only two men to make the move on the ground?

A On certain jobs I will have to agree with you, but there are far more jobs where it just could not be done that way.

Q There are other jobs that require three, that is correct?

A Yes, and some jobs, four.

T-11

I.A. Stewart

Q And some jobs four, where they have four. For instance, there would be the Emery switcher, where I think there are four men?

A The Emery and the King Street shed have four.

BY THE CHAIRMAN:

Q You do have a yard crew of four as well as of three?

A In some places, yes, sir.

MR. SINCLAIR: What I was suggesting to the witness was that -- the answer to your question is "Yes."

BY MR. SINCLAIR:

Q There are not very many of them, are there?

A No, not very many that I know of.

Q I think that you said that where it was possible signals should be given direct from the ground to the engineman?

A No, sir; I think I said where it was possible signals were always given to the engineman.

Q Where it was possible signals were always given to the engineman?

A Yes, sir.

Q You do not think that that is the best switching practice? You disagree with some of the witnesses who have said that that is the best switching practice?

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I.A. Stewart

A I definitely agree with them.

Q You agree?

A That that is the best switching practice, definitely.

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THE CHAIRMAN: That is the impression I got from what Mr. Stewart said before.

MR. SINCLAIR: I thought so too and I was going to ask him whether it was not in the best interests of everyone then to try to arrange the work so that it was possible to give the signals directly to the engineman.

THE WITNESS: Yes, I think that it is in the better interest if there is no difference in the safety of the movement.

BY MR. SINCLAIR:

Q Now, do you know of any situation in the Toronto Terminals where it is not possible -- I am leaving aside those specific instances in Ashbridge's Bay that were referred to in one of the exhibits filed earlier -- do you know of any places where it is not possible to arrange for the signals to be given direct to the engineman, with those exceptions as set out in that exhibit which is No. --

A I know the exhibit you are speaking of. Offhand I cannot think of any places that it could not be arranged, Mr. Sinclair.

Q It is Exhibit 79.

MR. LEWIS: That is the bulletin by Mr. Alver.

MR. SINCLAIR: That is right.

BY MR. SINCLAIR:

Q Do you know any places where they are not now giving the signals direct to the engineman

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in the Toronto Terminals outside of those places set out in Exhibit 79?

A I haven't been around the Toronto Terminals very much recently, sir, to find out or have any way of knowing that.

Q Well, in view of your earlier answer, if they were doing it by giving signals not direct to the engineman, it would be a matter of convenience as was stated here by one of the other witnesses? Do you agree with that?

A I don't think I said about convenience --

Q I said as was stated by another witness?

A I don't know as it was done in cases for convenience, any places that it was done at it was not done particularly for convenience to my knowledge. It was done for safe and quick operation.

Q Well now, quick operation is a matter of convenience, isn't it, Mr. Stewart?

A Not particularly, sir, no, not in the word --

Q Would you agree with this, that the management of Toronto Terminals, and that includes Mr. Alver and Mr. Travers, I think it is, and the other supervision there, are safety minded, safety conscious people?

A I would agree that they were safety minded but also I have to say that if the work isn't being done then somebody has to explain why.

Q And you would agree, would you not, Mr. Stewart, that Mr. Alver is a pretty

experienced and knowledgeable switchman?

A Definitely, but in one case that I have in mind the general yardmaster came to me on the engine and told me that if I didn't run the engine faster I would have to get off the job, he would have me put off the job, and I told him at that time that I thought I was running the engine at a safe and sane speed and that I didn't think he was any person to be a judge of what speed the engine should be run at, but he did tell me then and there that if I didn't run it faster then he would have me taken off the job.

Q That is one experience you have had. Were you ever told not to run the engine as fast, Mr. Stewart?

A No, sir.

Q You have heard of that being told other engine-men?

A In yard work I don't think I ever have from officials. I have heard switchmen tell engineers that they were running too fast for their movements, yes.

BY THE CHAIRMAN:

Q After that conversation did you run the engine faster?

A No sir, it wasn't safe in that particular area.

Q I would not think you would.

MR. SINCLAIR: That is all I have, Mr.

Chairman.

MR. LEWIS: I have just a few questions that perhaps will bring us to the end of the day.

BY MR. LEWIS:

Q Mr. Stewart, you discussed with Mr. Sinclair on two or three occasions the question of groundmen being responsible for lining switches and directing your work in the yard by signals from the ground and so on. That leads me to wonder whether you have any opinion, Mr. Stewart, as to whether there is or is not any sense of security in you as an engineer in having someone beside you from whom to ask the questions that you said you asked?

A Yes.

MR. SINCLAIR: That is not re-examination. That is new. I would respectfully submit that is not re-examination.

THE CHAIRMAN: I do not think it is but you can re-examine.

MR. SINCLAIR: Very well, Mr. Chairman.

MR. LEWIS: I am afraid my friend's stricture is probably justified, sir.

THE CHAIRMAN: It is a little suggestive too but we are overlooking all that sort of thing in this inquiry.

MR. LEWIS: You have permission, Mr. Stewart, to answer my improper question.

THE WITNESS: I think I answered yes,

that it is a sense of security to be able to ask and get the information that you would receive.

BY MR. LEWIS:

Q Mr. Stewart, you were dealing with the Cobourg incident and this fireman being at the back of the "A" unit which was the front of this particular movement in Exhibit 101. Do you know whether in addition to the emergency valve for stopping the train there is a signal line there that blows signals to the engineer in the cab by blowing a whistle?

A I couldn't tell you whether there is or not in that particular engine.

Q You don't know?

A I don't know.

Q Mr. Sinclair asked you some questions about the position of the brakeman, Mr. Stewart. Have you ever been on a light engine going from one part of Toronto Terminals to another part of Toronto Terminals?

A Yes.

Q And in those cases/^{is}any member of the yard crew with you?

A Not always, no.

Q There have been cases where you and the fireman have been alone in the engine?

A Yes, sir.

Q Then, you have told my friend, Mr. Sinclair, that you could think of only one instance of a car running back, which you have given this

morning, where there was damage. What did you mean by adding the words "where there was damage"?

A I meant, sir, that in my own case I had only had one car run back but there is several times when cars have run back that the movement has been stopped or the car has run back out onto the track and coupled on to where it was originally. You kick a car into a siding and it does not -- it stops and starts back before the movement is started again and they will just stand there.

Q And in those cases in your experience has someone given you a warning?

MR. SINCLAIR: What happened?

BY MR. LEWIS:

Q In those cases what happened?

A Nothing happened. The movement was just done over again. That was all.

Q Did you stop?

A I would be stopped in most of the cases I am speaking of. You would kick a car into a track. It would run in and start running back out again and before the movement had been started again they would see what was going to happen and they would let the car run out.

Q And you would be stopped?

A We would be stopped, yes.

Q Who would stop you?

A The ground crew would stop me when we were

making the kick of the car and we would not start again.

Q Now, there has been a lot of reference to the situation of the diesel yard engine running cab first. Is that or is that not the usual way for the yard engine to run, cab first?

A No, I wouldn't say that it was the usual way. I would say that it would be maybe 50 per cent of the time with the long end first.

Q And is there any ratio, as it were, between the number of times that the cars are attached to the nose of the engine, whichever way you are going, or when the cars are attached to the cab of the engine? Is there any rule about that?

A Not to my knowledge, sir, no.

Q What experience have you had as to cars being attached to one end or the other of the engine?

A Well, it all depends on the place that you are working, the particular terrain that you are working in and where the work is being done and which way it is convenient to have the engineer and the switches, and in the majority of cases I would say that the engine is headed in the direction that the movements, the majority of the movements, are being done on the right-hand side.

Q I think perhaps this is an appropriate type of question in re-examination, Mr. Stewart.

Mr. Sinclair asked me whether you knew about firemen sleeping --

MR. SINCLAIR: Asked me?

BY MR. LEWIS:

Q Asked you whether you knew of firemen sleeping on the job and you said yes, you did. Have you known of brakemen sleeping on the job?

A Yes, I have seen brakemen, I have seen switchmen, and I have also seen yardmasters.

Q On duty?

A Yes, sir.

BY MR. SINCLAIR:

Q Just one question. You talked about yardmasters sleeping and brakemen sleeping and one thing and another like that, Mr. Stewart. You will agree with me that the fireman has more reason to sleep on a diesel than he had on a steam engine?

A Why, or what do you mean, he has more reason to sleep?

Q Well, you answer the question.

A Well, I would like the question explained. You say he has more reason to sleep.

THE CHAIRMAN: I suppose the suggestion in the question is that he has less to do.

THE WITNESS: He has less manual labour to do but I don't think that he has more reason.--

THE CHAIRMAN: Well, I am only interpreting the question. That is all.

THE WITNESS: -- for being that way.

BY MR. SINCLAIR:

Q There has been more trouble about firemen being in trouble through sleeping and not being alert since the diesels came along than there ever was on steam engines? That is correct, isn't it?

A Definitely.

Q Thank you, that is all.

BY THE CHAIRMAN:

Q Mr. Stewart, I have a question. You spoke about the freight from Toronto to Havelock?

A Yes, sir.

Q Where is the starting point, Lambton?

A On freight, yes sir, they start at Lambton.

Q How far is it from Lambton to Myrtle?

A Offhand, sir, I couldn't tell you. It is about -- if there is a time card I could give you the mileage.

Q I suppose about 30 or 40 miles, isn't it?

A I think it is somewhere in that neighbourhood, sir.

Q And that would be the part of the trip that passes through the part of the country that has the most population and the densest traffic?

A From Toronto to Myrtle, sir?

Q Yes, as compared with Myrtle to Havelock?

A No sir, you have -- after you leave Toronto you have no cities until you get to Peterborough which is east of Myrtle.

Q Yes, but you have a large suburban population around Toronto?

A You have a large suburban population around Toronto.

Q And a lot of people going to and from Toronto from all parts of the surrounding country?

A Yes.

Q A lot of traffic?

A Yes.

- Q Well, you said, I think, that between Toronto and Myrtle you would spend about 70 per cent of your time on the deck in a hand-fired engine?
- A Yes sir.
- Q I would like you to describe just what that means in relation to your function as a lookout?
- A Well, sir, by that I meant you would be up and down. You would put a fire in the locomotive in a particular engine and then you would sit on the seat but you would not be able to sit there as long on that particular terrain because of the heavy grade as you would in other parts --
- Q Oh, I appreciate that; but suppose it takes an hour from Havelock. I do not take how long it takes to go to Myrtle. You would be 42 minutes engaged in looking after your firing duties?
- A Well, sir, I have never actually timed it.
- Q I am just taking it from your 70 per cent.
- A That would be a rough estimate. You would be about -- well, you aren't off the seat to put a fire in the locomotive; you are only off the seat, I would say, in that particular terrain about a minute or a minute and a half.
- Q I am not so much interested in that because

I am only taking this as an example. Could I put it this way? While you are attending to your firing duties you cannot serve as lookout?

A That is right.

Q That is what it seems to mean. I am just trying to find out if that is what it really means?

A Yes.

THE CHAIRMAN: Thank you. Shall we adjourn until tomorrow morning?

MR. SINCLAIR: That figure is 40 miles on the time sheet.

THE CHAIRMAN: Forty miles?

MR. SINCLAIR: Approximately.

THE CHAIRMAN: Thank you.

-- The Commission adjourned at 4.02 p.m. until 10.00 a.m. Tuesday, May 28, 1957.

**ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY**

42

PROCEEDINGS

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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Tuesday, May 28,
1957

PRESENT:

| | |
|----------------------|-----------------|
| Hon. R. L. Kellock, | Chairman |
| Hon. C. C. McLaurin, | Member |
| Hon. Jean Martineau, | Member |
| Douglas M. Fraser, | Secretary |
| A. R. Winship, | Asst. Secretary |

APPEARANCES:

| | |
|------------------------|---|
| D. W. Mundell, Q.C., | Representing the |
| C. J. A. Hughes, Q.C., | Commission |
| I. D. Sinclair, | Representing the |
| Allan Findlay, | Canadian Pacific Railway Company |
| David Lewis, | Representing the Brotherhood of Locomotive Firemen and Enginemen |

Tuesday,
May 28, 1957.

42nd DAY

MORNING SESSION

---The Commission resumed at 10.00 a.m.

MR. LEWIS: My next witness,
Mr. Chairman, will be Robert Francis McKinstry.

ROBERT FRANCIS MCKINSTRY, sworn.

EXAMINED BY MR. LEWIS:

- Q Mr. McKinstry, you have informed me that you joined the Canadian Pacific as yardman in the Calgary yards in August, 1941?
- A That is right.
- Q You were promoted to yard foreman after writing the A Rule Book on October 4, 1943?
- A That is right.
- Q And you have been working in the Calgary yards as yardman for the first couple of years and as yard foreman since October, 1943; that has always been your work with the Canadian Pacific until this day?
- A Yes, well, with a few exceptions. Shortly after I was set up as foreman I worked as helper a few times on account of slackness in the work.
- Q You worked as helper; you mean you were set back as yardman?
- A Yes, automatically back to yard helper.
- Q Would you indicate to the Commission please which part or parts of the Calgary yards you have had experience in?
- A Well, at one time and another I have worked most parts of the yard, up at the depot.

Q Without going into details, have you been on industrial assignments as well as working in the yard itself?

A Yes, that is right.

MR. LEWIS: Mr. Chairman, I should like to file as Exhibit 213 a sketch of the Calgary terminal depot.

EXHIBIT 213 -- Sketch, Calgary terminal depot.

MR. LEWIS: We have also pinned on the board a map of the Calgary yards which my friend was good enough to let me have just in case the Commission wants to see something beyond what is on the sketches.

BY MR. LEWIS:

Q Then I understand, Mr. McKinstry, that this is a sketch of the Calgary terminal depot tracks?

A That is right.

Q Would you just explain very briefly how those tracks lie and how signals are given in that terminal?

A You have your first two tracks when you come out of the depot, one and two, which are --

BY THE CHAIRMAN:

Q I suppose there is a platform in front of the depot before you get to the tracks?

A That is true.

Q Are there only two platforms as are

mentioned here? Are there any more between the tracks?

A No, I think that is all the platforms, the actual platforms there.

BY MR. LEWIS:

Q That is there are three of them, one between the building and Track No. 1, and the other two which are marked, is that right?

A Yes. One and two tracks are quite close together. Then there is a platform. Three and four are quite close together. Those are the four tracks that they build most of the passenger trains in and consequently that is where the most of the work is around the depot.

Q How are signals relayed to the engineer on those tracks?

A Well, wherever it is practical and they can see they line them, they pass their signals to the engineer, but in my experience in the dark and stormy weather and cold weather when there is a lot of steam flying around, if the fireman happened to be on the open side we just pass them to him.

Q When you say "open side" you mean the platform side?

A Platform side, yes.

Q Have you worked the coach yard yourself?

A Yes.

Q Recently?

A No, I have not worked it for four or five years, but I did work it a lot before that.

Q Do you remember whether you worked it between 1941 and 1945?

A Yes, I did work it. I imagine I worked it as helper more than I did as foreman.

Q In your experience have the signals been given through the fireman on the platform side whenever you worked there at night or stormy weather?

A As I say, in those days we had steam engines and when it was bad, like at night or stormy weather or we had a lot of cars to reach back into one of those tracks and it was bad, we used to go and tell the engineer that we would give the signals on the other side, on the fireman's side, but since the diesels came in it has been used more because the boys throwing the signals say they are going over to the other side because they know the fireman is sitting there.

Q Have you watched it yourself since the diesels came in to see? You have not been there for four or five years, but have you seen it yourself?

A I have seen it; recently on a number of

occasions I have been up to the depot.

Q What is the clearance like between the two tracks, say one and two?

A It is quite close clearance. In fact between three and four I have seen it in the spring of the year when the frost heaves the track that cars will pretty near rub at the top. In fact I have seen when we could not go through with an engine on account of the windshield on the engine rubbing the cars.

MR. LEWIS: That is all I have on this sketch, Mr. Chairman. I might say that some of the evidence is related to some of the evidence given earlier by other witnesses about the tracks in Calgary.

Then as Exhibit 214, Mr. Chairman, I should like to file a sketch of a portion of the Calgary yard which is headed "Imperial Oil Company, west end." It is headed that way because later there will be another sketch of another building of Imperial Oil.

MR. SINCLAIR: This is what is known as the Imperial Oil warehouse?

THE WITNESS: Yes, that would be the warehouse, Mr. Sinclair.

MR. LEWIS: That is the warehouse.

EXHIBIT 214 -- Sketch, Imperial
Oil west end
siding, Calgary.

BY MR. LEWIS:

Q The other one we shall deal with later will be the refinery, is that right?

A That is right.

Q Now then, Mr. McKinstry, where do you come from with your engine?

A Well, you come from the east with your cars.

Q How are the cars coupled to the engine?

A Well, when you get up, coming on to this spur, they are behind the engine, on the west end of the engine.

Q That is on the cab end?

A Yes, the cab end.

Q Do you pull them or do you back in?

A You back in.

Q And you go along the track, which one of the two tracks shown, the lead or the main line; which one do you come along?

A You come along the lead.

Q From the?

A From the east.

Q And then you turn up the track in to the Imperial Oil, do you?

A Well, you might set some cars by and reach in and get your cars, whichever is the most practical way, and switch them.

Q Would you go into a little more detail? You say you set the cars out and reach in and get cars?

A Reach in and get what cars you need out of there and out the cars that are going back in there; throw out what you don't need and then shove them back into the spur.

Q Where do you throw out the cars you don't need?

A You put them on the lead.

Q East or west?

A West of the spur. It has been a number of years since I have switched that, but Ninth Avenue runs right along in front of the building there. It doesn't show too well on here, but it is quite close to the building. I think there is just a sidewalk between it and the building.

Q You suggest that this sketch is a little wrongly drawn, that Ninth Avenue should be closer?

A I would say that Ninth Avenue should be closer to the building, yes; just a sidewalk between the building and the avenue.

Q This line to the west of the spur, Imperial Oil, what is that?

A That is just a tail lead, you might call it; it is a dead end lead.

Q You are looking at the one to the east, but it is the one to the west; is that a fence?

A Going in to the building, you mean?

Q Yes.

A That is a fence along on the west side
of the spur, and there is a restricted
clearance going in there on both sides.

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- Q And this Ninth Avenue crossing which you say is closer to the building than the sketch shows it, is it protected?
- A No, you have to protect it, manual protection.
- Q I suppose there is the usual St. Andrew's Cross there?
- A Oh yes, they have the cross.
- Q Any other protection?
- A No, there is no other protection.
- Q Therefore it has to be flagged?
- A That is right.
- Q And in your experience did you follow the practice at any time of putting someone on top of the cars to relay signals to the engineer?
- A Well, no, we didn't at that time because where we worked on the fireman's side it could quite easily be seen.
- Q Suppose you had one of your crew on top of a car; would you please indicate to the Commission what would happen to the three of you? Where would you be and what work would you each have to do?
- A Well, do you mean working from the engineer's side or the fireman's side?
- Q Trying to work from the engineer's side with a man on top of the car to relay signals to the engineer going up that spur on the left-hand curve.

MR. SINCLAIR: Let us leave out the "trying to".

MR. LEWIS: Pardon?

MR. SINCLAIR: You said "trying to".

Why do you not ask him when he is working?

MR. LEWIS: Well, I withdraw the word "trying".

BY MR. LEWIS:

Q Just give us the story as to what would happen if you had a man on top of a car to relay signals to the engineer, where the three men of the crew would be?

A If you had a man on top of the car next the engine you would either have to have your other man on top at the tail end as you shoved over the crossing or have him away out around, away back from the track, and consequently you shove back in there and it leaves one man to try and spot the cars which would be quite a job from the ground on the west side for one man to know where the doors were and what not, and if you had both men on top it still leaves you to do the work, flag the crossing and one thing and another.

Q One thing and another -- you said flag the crossing --

A Well, flag the crossing and go back in and get back. I suppose after you got back in there you could put one man over on the other side but if he did work on top on the engineer's side he would have to hang over the edge to see the man trying to spot the

cars on the ground.

Q Who would have to hang over the edge?

A The fieldman or whoever is on top of the cars to pass them to the engine follower.

Q He would have to hang over the edge on the top of the car?

A Yes, because the man spotting the cars on the ground cannot get far enough back, get out far enough for the fence.

Q You said earlier that one of your men would have to go far out from the track. He would have to be on top of the cars or else go far away from the track?

A Well, yes, to pass signals around the bend to him he would have to get back out quite a ways to pass to the man on top of the cars.

Q "Back out" means south?

A West and south, yes.

Q West and south. You told us earlier that you would leave some cars on the lead west of the spur?

A Yes.

Q If that happened would he be able to pass signals by going south and west to the lead?

A That would just depend on how many cars you had to shove in there. If you had a lot of cars you would have your man around on the main lead and you would have to send him out quite a ways and if you had cars sitting up there he could not get out far enough. He would

have to get on top.

Q And how long ago did you work this job, do you remember?

A Oh, golly, that is quite a long while ago now.

Q And when you did work it, is it your evidence that you passed the signals to the fireman in your experience?

A Yes, when we were spotting, shoving in to spot. When we were out on the lead we passed them to the engineer but when we were shoving in to spot it was my experience that we ~~done~~ our spotting from the fireman's side.

MR. LEWIS: Then, as Exhibit 215, Mr. Chairman, I should like to file another sketch of what I might call the Alyth yard, west end, "N" yard and north "Y".

EXHIBIT No. 215 -- Sketch of C.P.R. Alyth yard, west end, "N" yard, north "Y".

BY MR. LEWIS:

Q Now, Mr. McKinstry, in your experience do they ever turn coaches along this "Y"?

A Oh yes, that is where they turn all their coaches.

Q And when they do that would you please describe to the Commission the movement?

A Well, when they have coaches to turn from the depot the engine, most of our engines are nearly always facing east, and they grab hold of them out of the depot and go east down

the eastbound main line to the south leg of the "Y", and as a rule he lets them around the south, sometimes around the north but most times around the south.

Q And the south leg of the "Y", Mr. McKinstry, is the little curve in the left-hand bottom corner marked "A"?

A Yes.

Q Is that the one they go along?

A Yes, they go out around that.

Q They come along the eastbound main line and go around this "A" and then you go off the sketch, as it were?

A Yes.

Q And go back up and along out "B"?

A Yes.

Q And where would we go from there?

A When they get out past the board on the south, as soon as they get the board they push around into this track you have marked "B". Consequently there is quite a curve there.

HON. MR. McLAURIN: Where is the roundhouse? Is this where the roundhouse is?

BY MR. LEWIS:

Q Where is the roundhouse in relation to this?

A That would be right around Burns there.

HON. MR. McLAURIN: Is the roundhouse on this sketch? I take it we are looking at the west end of the Alyth yard west of the roundhouse and west of the Diesel shop.

MR. LEWIS: That is right, sir. It is this "Y" that goes like this down here and back up.

HON. MR. MARTINEAU: Mr. Lewis, I should like to know if in making this movement the train is backed on the line marked "A" on the plan.

MR. LEWIS: I don't think so but I will go over it. I think it is backed up "B" rather than "A".

BY MR. LEWIS:

Q Would you go through this movement again?

A They pull down the eastbound main line and around "A". They pull the cars down around "A".

Q They pull on the eastbound main line going from the right to the left on the sketch? Right?

A No, they would come in from the left.

Q Oh, they would come from the left?

A Yes, around onto "A".

Q They come from the left off the sketch?

A Yes.

Q And then they pull them down "A"?

A That is right.

Q And they back up "B"?

A They back up in around on "B".

BY THE CHAIRMAN:

Q This again is a yard engine?

A Yes, that is a yard engine, sir.

BY MR. LEWIS:

Q And therefore the engineer when they back up

"B" would be on the left side of the track and the fireman on the right side?

A On our left looking at it as we are looking at it now.

BY THE CHAIRMAN:

Q On the north side of "B"?

A That is right.

BY MR. LEWIS:

Q And the fireman would be on the south side of the track "B"?

A Yes.

Q You were saying that you go up here, go up this curve. What happens then?

A Well, you have a board there. You have it marked. Oftentimes that is against you for some reason or other. There might be a movement in the vicinity that he is letting the cars into and he stops them there.

Q Who stops them?

A The tower man. He drops the board.

THE CHAIRMAN: I suppose this board is the thing marked "Sig"?

MR. LEWIS: That is right, sir.

BY MR. LEWIS:

Q That is where the signal is? It is marked "Sig"?

A Yes, there is a signal there.

Q And to the left of track "B" is the signal tower. That is the tower from which this board is operated, is it, Mr. McKinstry?

A That is right.

Q So if you get a stop signal on this board --

A Well, you have to stop. They have the air line that they can stop him without a signal but when it comes to starting him again it has always been the practice in my experience that they pass the signal on to the fireman.

Q Yes?

A And most times they stop him by giving the fireman a signal but they can stop him with the air. They have the air right there but, as I say, when they go to start again they give the fireman the signal.

Q Is it possible to stand on top of a passenger coach?

A Well, I wouldn't like to try it.

Q And then they go along where? They back up along this "B"?

A As a rule he lets them down the eastbound main line and then back to the depot.

Q Now, to the right side of the sketch, the east end of the sketch there is the "N" yard. Is that right, Mr. McKinstry?

A That is right.

Q Would you be good enough to describe to the Commission a switching movement out of and into the "N" yard with the aid of the sketch?

A Well, pulling back out of the "N" yard you have a tail lead there which if it was kept clear there would be nothing wrong with

switching on the engineer's side at all times but as it has been it has been filled with cars so that you couldn't use it and consequently we have been using the north leg of the "Y".

Q That is the curved track that goes from the tail lead up towards the north?

A That is right.

Q The eastern one, is it?

A Yes.

Q Yes, and what happens there?

A Well --

Q How do you go up there? First, do you pull or back up?

A You back up with the cars on the nose of the engine.

Q And what happens there when you do that?

A As soon as he goes back around the "Y" it has been the custom up there to switch with the fireman. If you put a man on top of the cars you have just got half your crew, you might say, with you because all the cars that are switched out have to be ridden because of the gravity of the yard. They have to be all watched and brakes put on, so if you have one man back there and one man to ride the cars it is going to take quite a considerable time to switch out many cars.

Q The "N" yard is a gravity yard?

A Yes, the gravity all runs to the east in the

yards.

Q And so your fieldman is busy there tying down cars?

A Yes, he would have to ride the cars and tie them down and you would still be working on the fireman's side anyway even to pass them to the engine follower with him back on the car next the engine. You would still be working on the fireman's side of the train.

- Q And could the engineer see him if he is on top of the car?
- A Oh yes, if he is on top of the car, next to the engine.
- Q What do you do then when you say he would still be working on the fireman's side?
- A The helper and myself would be passing signals to him along the fireman's side of the train.
- Q Oh yes, I understand you. If you have the fieldman tying down cars and the head man on top of one of the cars, what would you as foreman have to be doing?
- A I would have to be throwing switches and pulling pins on those cars and passing the signals on to the engine follower.
- Q You said that would take -- I forget your words -- "quite a time" or "quite a while". Can you estimate how much slower it would be to do this job that way?
- A You would have one man riding the cars instead of two by having your one man back next to the engine, so it would just take about double the length of time to handle a train that way.
- Q One man riding the train instead of two?
- A Yes, because your engine follower would be back next to the engine instead of down where the work was.
- Q Is there any reason in that part of the yard,

R.F.McKinstry

why, in your opinion, matters should be done faster rather than slower?

A Well, it is a sort of bottleneck there. There is trains coming and going and engines so that it is not a very good policy to tie it up any longer than necessary at any one time.

Q If there are no questions, Mr.Chairman, I will proceed.

Then, as Exhibit 216, Mr.Chairman, I file a sketch of part of the yard -- Alyth yard -- with particular reference to the "O" yard and the Canadian National Railways transfer.

EXHIBIT NO.216: Sketch of
Canadian Pacific Railways,
Alyth yard. East end --
"O" yard and Canadian
National Railways transfer.

BY MR. LEWIS:

Q Now, let us do first a movement to the Canadian National Railways transfer or along the Canadian National Railways transfer, Mr. McKinstry. Would you go through the various steps for that?

A Well, I presume you mean shoving tanks and one thing and another over to the B.A.

Q Whichever you do?

A Well, that is about the only place that they have any trouble seeing and this is with steam engines or road diesels. With the yard diesels it is possible to see. But you shove in there and they often have tank cars, box

cars, dump cars and rather than tie the yard up you will shove everything over to the B.A. Refinery.

Q Yes; where would you start from?

A You would start from the east end of the Canadian National Railways transfer here.

Q Yes?

A And shove back. You will often have 30 to 35 cars in there.

Q Suppose you have a road switcher. Where would the cars be coupled?

A Oh, well -- it would be on the long end.

Q The long end?

A The long end -- the motor would be behind the engineer like or west of the engineer.

Q And?

A When you are shoving back over here -- it does not show on this track --

Q On which track?

A On the Canadian National Railways transfer track.

Q The one that is marked "C.N.R." transfer?

A Yes. It runs further on back there to the B.A.Oil and about half way between this and the B.A.Oil there is a private crossing.

Q You said "half way between this". What do you mean?

A The end of this track.

Q The Canadian National Railways transfer track?

A Yes.

R.F.McKinstry

Q In the top lefthand corner?

A Yes.

Q Beyond that; not shown on the sketch is B.A.Oil?

A Yes. It is back there and just about half way between the end of this track and the B.A.Refinery there is a private crossing there and a bird sanctuary.

Q A what?

A There is a bird sanctuary in there and there is quite a number of people in cars and what have you back and forth in and out over that crossing and you have to have a man -- you have to have your men -- up where they can pass signals at all times around there, especially when you are shoving over.

Q And what happens?

A So, if you happen to have a road diesel or steam engine and the man is back two or three cars from the engine the engineer cannot see him at that point.

Q You mean the curve up towards the north?

A That is right; so consequently they have passed signals there to the fireman right along.

Q And you said there would be various types of cars there, would there be?

A That is right because you do not always just get tank cars in that track. You

may get dumps or box cars or anything in there and not only that, if there are tank cars, a lot of them haven't got a ladder on both sides.

Q Some of them have a ladder on one side only?

A Yes, there is a lot that have a ladder only on one side.

Q On what side would they be?

A That just depends on which way the tank is turned. If they haven't got a ladder on the engineer's side actually the man is going to go back to the next car that has got a ladder on the side where he can get on top because you have to pass the signals from the top.

Q And this ladder on a tank car -- where is it?

A Right in the middle of the car -- up the side of the car to the top.

Q And if this man has to go back only two or three cars to find one with a ladder on the engineer's side, would the engineer be able to see him?

A No, he would not be able to see him that far back. He would have to be on top of the first or second car. If he is more than two cars back he would not be able to see him. I am sure of that. I have never checked it absolutely close myself but I do know that if he gets more than two cars back I am sure he

cannot see.

Q And have you worked on this job yourself?

A Oh yes, I have worked on that job.

Q Long ago or through the years?

A Oh, I have been in there different times over the years. I was in a couple of times during the last year. I think that is all I have been in there in the last year.

Q And in your experience how are signals transferred or relayed around that curve to the north?

A They have depended on the fireman to pass the signals to the engineer around that curve.

MR. LEWIS: There are no questions, Mr. Chairman?

THE CHAIRMAN: No.

MR. LEWIS: As Exhibit No.217 I file a sketch headed, "Imperial Oil Company (Calgary) East end.

EXHIBIT NO.217: Sketch of Imperial Oil Company (Calgary) -- Alyth yard. East End -- Calgary.

BY MR. LEWIS:

Q This, I understand, is the refinery, Mr. McKinstry? Is that right?

A That is right.

Q And this I understand -- if I may, Mr. Chairman -- is the job that you have been on?

A Yes, that is right.

R.F.McKinstry

Q And are on at this time?

A Yes.

Q How many men do you use on this job, Mr.
McKinstry?

A We have three helpers and myself on there --
a four man crew.

Q You have a four-man ground crew on this job?

A Yes, that is right.

Q Where do you come from to go into the Imperial
Oil?

A You come from the Alyth yard.

Q Where is that?

A Just to the left of this sketch.

BY HON. MR. McLAURIN:

Q West?

A Yes.

Q About a mile?

A It is just the width of the bridge there
into Alyth yard.

Q Just over the river?

A Yes.

Q But you would pick up the locomotive at
the shop. It would be about a mile?

A Yes, about a mile.

BY MR. LEWIS:

Q And you come along with one of those tracks
and what happens then? Which way do you go?
You are pulling the cars, are you, when you
come out of the Alyth yard?

A Well, when we are taking our cars into the

refinery, yes. We have cars behind us. Most of our cars are behind us. But often times we have cars ahead of us -- loads of **crude** oil and what have you, which have to be shoved down into the tracks from the nose end of the engine.

Q When you have cars ahead of you, do you have any behind you?

A Oh yes. You might have anywhere from 20 to 50 cars behind you.

Q And some in front of you?

A Yes, that is right. You do not always have them in front of you but I would say 50 per cent of the time we have cars ahead of us to put down.

Q So in there about 50 per cent of the time you are shoving some cars ahead and pulling some behind you?

A That is right.

Q And coming along from the yard what happens then? Where do you go on the sketch?

A You go right down into Imperial Oil. You have this crossing here. There is quite a busy crossing there.

Q The one that is marked "highway" on the sketch?

A Yes, it is marked "highway" on here.

Q Yes?

A It is quite a busy crossing there and naturally you have to have one of your men flag that

R.F.McKinstry

crossing. There is no protection on it.

Q Yes?

A And when he shoves that down and gets down to the curve marked "lead" here -- just that curve at the lead -- if he is more than two cars away from the engine the engineer cannot see him at all.

BY THE CHAIRMAN:

Q If who is?

A Yes.

BY MR. LEWIS: Yes; you said "if he is more than two cars away from the engine." Who do you mean?

A The engine follower. It is generally left to the engine follower to protect that crossing because you have your other two men back getting the cars, coupling and letting brakes off and making the cut in the balance of the track so they will be back behind the engine.

Q Yes; and where are you then?

A Well, I will be in the vicinity of the engine somewhere. I go over and pick up my lists and make a check while the other fellows are getting hold of the cars and I generally catch on near the engine or as closely as I can or sometimes back behind the engine where I want to make my cut when I get into Imperial Oil.

Q Just review if you will, Mr.McKinstry, so

we will have it in one place. This is a four man crew and you have come along from the west. You have gone to the Imperial Oil siding with some cars in front of you and some behind you and you have crossed the crossing marked "highway" on the sketch and are going into a siding which we have marked "lead"?

A That is right.

Q Now, what happens. Where are you and the other three men?

A Well, as a rule we are back behind the engine. The other two men are back behind the engine. The engine follower will be on the head end of the cars he is shoving ahead of him. He will protect the crossing and get on the cars and get high where he can pass signals around that bend -- it will be to the fireman around that bend if there should happen to be anything down on that lead.

Q What do you mean -- if there happened to be something on that lead?

A The C.N.R. go in there sometimes. They go in every day. I should not say "sometimes"; and sometimes they are in there when we go to shove in with our cars, et cetera. The reason you have to have a man on the head end of them --

BY THE CHAIRMAN:

Q You go in there without knowing whether the Canadian National is there or not?

A They go in practically any time right now, sir, and we watch for them.

Q You do go in there without knowing whether they are there or not?

A Oh yes. Sometimes we will be shoving down and they will shove around from the other end, you see.

Q So you rely on the man at the head end of the movement?

A That is right.

BY MR. LEWIS:

Q And you say the other two men are back somewhere?

A Yes, they would be back on the cars, because you have to have one man on the tail end to line your main line switches together as you go back in and the other man would be back letting off the brakes and he would not have walked up to the engine because he might have to make some joints back there and as soon as they have the track ready to go we go.

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- Q Suppose you had one man on top of the car next to the engine, could you do that?
- A Well, I suppose you could wait and have your men come up and put one man on the car next to the engine. It would mean waiting, that is all, and that is another spot that they are glad to see us get out of in a hurry because we have generally got the yard tied up until we do get out, and we stop the rest of the work.
- Q If you had one man on top of the car next to the engine, would you be good enough to place the four of you then? There would be one man on top of the car next to the engine, and where would the lead man be then?
- A Well, you would still have to have a man on the head end of those cars shoving in, one of your men would have to be up there --
- Q Where would the third man be?
- A He would have to be back to line the main line switches back as we come across.
- Q And where would you be?
- A As I say, I generally try to get on about where I am going to try to make my first cut because the lead will only hold about 30 cars and if you do not get in clear with them you have that crossing tied up. It has been our experience the best thing to do is to get in, get your cut and clear that crossing as soon as possible because

the cars back up there pretty fast.

BY THE CHAIRMAN:

Q Do you get rid of the cars in front of the engine or behind the engine first?

A As a rule we get rid of the cars behind the engine first. We will shove ones down the lead we have ahead of us, and leave them on the lead.

Q You get rid of them by leaving them?

A Yes.

Q You get rid of them first?

A I make my cut and he shoves down and leaves them.

Q I do not understand?

A I want the 15 cars behind the engine, and I will pull down, cut them off, and the head end man will ride down, and when he is down far enough he will cut the cars off and leave them there.

BY MR. LEWIS:

Q Would you be good enough to do this step by step on this sketch. Suppose you came down this Imperial Oil spur from Alyth; you turn south, and how many cars might you have in front of the engine?

A You are liable to have anywhere from five to fifteen or twenty.

Q Let us say from five to fifteen, and take ten as being in the middle. You have ten cars in front of the engine and some thirty

or forty cars behind you; would that be an average number?

A We often take in forty cars behind us.

Q Suppose you came down and you said you wanted the ten cars behind the engine?

A Yes.

Q What do you do?

A I pull down in here --

Q Just a moment -- in here being the track marked "Lead"?

A Yes, and it runs down there another mile north, and I pull down here and cut off my ten cars trying to be clear of the crossing. Sometimes I cut off more and have to make a switch, but I try to clear that crossing always.

Q You have cut that off and you are --

THE CHAIRMAN: What has been cut off?

MR. LEWIS: That is what I am trying to find out.

BY MR. LEWIS:

Q You have cut something off. You have the engine down on the track marked "Lead" with ten cars in front and ten cars behind?

A Yes.

Q What happens to the thirty or forty cars you have cut off?

A You have to leave them there on the lead and cut them in on your tracks as you need them.

- Q What do you do with the engine and the ten cars in front and ten behind after you have cut off the thirty?
- A You have to shove away down the lead and make room so you can work, leave ten cars ahead of your engine up the lead out of your way.
- Q Down that lead somewhere, and what do you do with the ten cars behind the engine?
- A They will have to be switched into these tracks.
- Q You switch them into the siding tracks that are shown here?
- A Yes, there should be four tracks here; there is another one cuts in down here. There are four tracks.
- Q There are four tracks in addition to the one marked "Lead"?
- A That is right.
- Q So, as I understand it, the ten cars behind the engine which you have cut off, you then switch into one or more of these four tracks?
- A That is right. They are generally lined up, the cars are switched in the yard and blocked in the yard --
- Q What do you mean "lined up"?
- A Put in blocks, because for this one track or the one just north of the lead. They are generally blocked so we can fill

that track first and get rid of them.

Q What do you mean by "blocked"?

A There may be fifteen cars for that track and they will be in a block. They may have to be switched and put in the right order.

BY THE CHAIRMAN:

Q They are put all together?

A Yes.

Q And they will be in a block of fifteen cars?

A Yes.

BY MR. LEWIS:

Q You switch them back and forth until you get them in the right order and leave them there?

A Yes.

Q We have the ten cars in front of your engine somewhere on the lead?

A Yes.

Q And these ten cars which were behind your engine you have placed on the four tracks on Imperial Oil property?

A Right.

Q And your engine now is free?

A Yes.

Q Or light, as you say, so what do you do?

A With the engine you now go back and you get the rest of these cars on your lead.

Q That you have cut off?

A Yes. You take them down and marshal them

as to their proper spot or position in the different tracks.

Q You do the same with them as you did with the ten?

A That is right.

Q You switch them into the four tracks?

A Yes.

Q You get rid of them and you have a light engine again? Then, what do you do with the ten cars that were left on the lead which were on the front of your engine?

A They go down about -- it does not show on the map -- they go down about half a mile and you spot them into the Crude racks. You shove them in the opposite way.

Q Is there any difficulty of any sort about switching, the various switching movements we have gone over other than the movements around the curve on the lead as shown on the sketch?

A No, we do not have any trouble with the switching down in there.

Q It is just the curve on the lead as shown on the sketch?

A No, we do not have any trouble with the switching down in there.

Q It is just the curve on the track designated "Lead" on the sketch that you have any difficulty with?

A That is right.

BY THE CHAIRMAN:

Q In other words, the first cars you cut off are those behind the engine north of the highway, which you leave north of the highway?

A We try to pull them all in south of the highway.

Q Pull the whole twenty south of the highway?

A Yes, you have everything south of the highway.

Q Then, you divide the twenty behind you into two tens, cut them about the middle --

A We said we figured we had about forty to start with. We cut off ten. It will hold thirty cars on the lead, you see.

Q You have forty then, south of the highway, and right next to the engine you cut off ten that are the ones most to the north?

A No, most to the south.

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A Yes.

Q You shove down and leave the ten off in front?

A Yes.

Q Then you switch the ten behind you?

A Yes.

Q Then, when you get through with that, you switch the other ten?

A Yes, whatever we have on the lead, we will switch them.

Q Then, you go and handle the other ten in front?

A Yes.

Q So, you have only ten cars to handle at a time, once you get across the highway?

A Well, I just said ten for an example.

Q Well, that is the example you were given?

A Yes, sure.

Q What variation would you make from that?

A Sometimes you might have to pick up, go in and handle other cars, you might have to pick up say twenty cars to get in the cars you want first, you see.

BY HON. MR. McLAURIN:

Q What we are worrying about is signal passing and what you are saying is that the Imperial Oil property, apart from this lead, presents no problem as to signal passing to the engineer?

A No.

Q The problem is presented by the highway and the lead?

A That is right, that curve on the lead there.

BY MR. LEWIS:

Q Now I understand, doing it this way, Mr. Chairman, to save a little time -- I understand you have had some supervisory people watching this work?

A Yes, we have had some of the supervisors out there watching us and that was mainly for shoving our loads when we come out of the Imperial Oil with loads.

Q What happens, then, when you come out, when you shove them with loads; where do you come from and where do you go?

A You get your loads from where we put these empty tank cars in, they come out the next days as loads. The Crude loads we will shove in ahead of our engine will come out as empties. You have any number of cars from twenty-five to fifty cars out of there, roughly, and I have to send one of my men over to the yard to line up into the yard.

Q Yes?

A And protect us there; I have another man on the crossing to protect the crossing and the other man will be down near the engine. I will stay generally standing on the curve where I can pass the signals and then I can go high on top of the cars.

Q You get over the crossing and what?

A After we have the crossing protected, once you see you are clear and get over the crossing and won't have it blocked for cars, say he shoves twenty cars by me, I will get up on top of the cars and pass signals because if I did not I would not

be able to see them.

Q You would not be able to see whom?

A Either the man riding the tail end or the man on the cars next to the engine.

Q Is there any difficulty passing signals aside from your having to go up high?

A No, only after when you come around that curve there.

Q Curve where?

A Where it is marked "Lead" your engine follower goes around there and he has to pass signals to the fireman at all times, if you should happen to have to stop or anything like that going into the yard.

We had a couple of supervisors out there for a few days with us. They rode the engines to see what we were up against. We had road switchers, which we have used nearly all the time since they took off the steam.

Q Yes?

A The first day I think my man was on the fourth or fifth car from the engine and when they came around the curve I knew that the fireman was the only man who could see him. The engineer would not be able to see him.

Q Even from the top?

A On the top, yes; so, the next day they came out and we had a 6500 yard switcher.

Q Yes?

A And we had the man on the third car. They asked me if there was any reason why I put him on the fifth car and I said, no, I just told him to be down there where he could get a signal to the engineer or fireman. He was on the third car and we shoved out and still the engineer could not see him. The fireman could see him.

Q Yes?

A So, the next day we had a road switcher again and the same two gentlemen were out there and I had a man on the head end car next to the engine. So, when they got in, I asked these two gentlemen --

Q When who got in?

A After we had shoved into the yard, I asked these two gentlemen if they could see the man on the first car because I had never tried it out with a man on the car next to the switcher.

Q And where were these gentlemen?

A They were in the cab of the engine. They said, no, they could not see him from either side. The next day they gave us a yard diesel again and we put a man on the first car, and they could see him on the first car with the yard diesel.

Q That first car was attached to which end of the yard diesel?

A The tail end of the yard diesel, that is, the cab end. Then, the following day we got a road switcher, so we had to go back to passing signals to the fireman again.

Q When were these observations made?

A I think I have the dates here. The }
first time was April 26, April 29, }
April 30 and May 1.

Q Now, Mr. McKinstry, from your experience as a yard foreman since 1943 and as a yardman since 1941 has a yard ground crew of three always been able to work together, or have the duties of one of the members taken him away from the team at any time?

MR. SINCLAIR: I think he said there were four of a ground crew on this job.

MR. LEWIS: I am sorry, I have finished dealing with that sketch.

BY THE CHAIRMAN:

Q If you are, I should like to find out from the witness whether there has always been a ground crew of three on that Imperial Oil refinery job?

BY MR. LEWIS:

Q That is Exhibit 217. Have you always had three helpers with you on this job?

A No, there has been periods when they had one man off. They tried working it with the two helpers and the foreman.

Q How long have you been on this job?

A Well, I have been on it for over a year now this time, and I think previous to that I had been on it for about two and a half or three years at one stretch.

Q And when you were there on the previous occasion for two and a half to three years at one stretch did they ever have four men of a crew, that is three in addition to yourself?

A Oh, yes, nearly always we have had it. As I say, it was just a few short periods we didn't have a four-man crew on it in my recollection.

BY THE CHAIRMAN:

Q When you had a three-man crew could the job be done?

A Well, the last time I worked that with a three-man crew we didn't shove over these crossings, they sent an engine in to pull us out.

Q Then the job was never done with a three-man yard crew?

A Not that I know of; no, not completed.

BY MR. LEWIS:

Q What I am asking you now is not related to any of these sketches in particular. I should like to ask you whether in your experience your crew of three or of four on this special job illustrated by Exhibit 217 have always worked together in the switching moves?

A Well, they do as a rule, but oftentimes the foreman will have to go and contact the yard for some cars that have turned

up on the list, that were listed and not on the track, or any number of things. He may have to phone the yard about them. In that case, if you have a crew that have had experience you may tell them to go ahead and move up the track and pull it out, or you may tell them a move or two to do.

Q You do that, do you?

A Yes, or you may be shoving a track back with yourself and one man and have the other man tying some brakes on on some other track. You don't always have the four-man crew right on the one job.

Q Now, Mr. McKinstry, I do not know whether you were in the court room or not -- I do not think you were -- but there has been some discussion earlier in this inquiry about men going on top of the cars for the purpose of giving signals. Have you any opinion or any experience as to men going on top of cars for any purpose?

A Well, as far as I am concerned, the less climbing you have to do the better, and the less you have to be on top of the cars the better. In dry weather it is not too bad, but it is still risky enough, but when you get snow and ice and what have you up there it just makes it that much more hazardous. I have found that with

these tank cars you get oil and grease on them and when you get a little frost or snow on them it is just like glass, and the less you have to be up on them the better.

Q Have you yourself been on top of cars?

A Oh, yes, I have been on plenty of them myself.

Q Have you had any experience as to the hazards of being on top of cars in slippery days?

A Well, as far as I am concerned myself I have never slipped off one. I know it has been quite slippery and dangerous up there, especially when you are starting and stopping.

Q You have never fallen off any car?

A No, I have never fallen off one.

Q From your experience as a yard foreman for the past fourteen or fifteen years, Mr. McKinstry, would you tell the Commission whether you have any opinion as to the value or lack of value of a fireman or someone being on the other side of the engine in yard service?

A Well, I would say that he has quite a bit of value over there. There is any number of cases where you can work along and something will happen on the other side of the train; you cannot see the crew, whereas if there is a man up there

looking out he will see it, especially if you are working in around depot tracks and one thing and another like that, when there is the public and express trucks and men working around. There is everything to watch and if there is a man over there he will oftentimes see something the crew men don't. That has been my --

Q That has been your what?

A That would be my reason for saying that he is quite valuable over there.

Q Do you recall any recent incident that would illustrate what you have just said, Mr. McKinstry?

A Well, the first part of April we were shoving into the yard one day with quite a string of cars and I had my field man on top of the cars.

Q Speak up, I cannot hear you.

A I had my field man on top, riding the car. I was up about the middle and I got a washout.

Q You got a washout?

A A washout, a stop signal. So I relayed it down to the engine follower. As I say, he just happened to be in the vicinity of that curve. So we got stopped and I went up to see what was wrong.

My man that had gone into the yard

had lined up and the section men were working right close by in one of the tracks. He seen us coming. We were coming into the yard.

Q He had seen you coming?

A Our field man. He looked around, and there was an engine coming down the lead against the switch he had lined for us to go into. So he turned around and he was trying to watch everything and while he was turned around a section man shoved a push-car out with some rail, with a frog and some stuff on it; he shoved it right out to foul the lead. If we couldn't have got the signal through we would no doubt have hit the car. That is just one experience I had recently.

Q You said if you couldn't have got the signal; did you get it through?

A Oh, yes, the fireman got the signal.

Q And could the engineer have got it?

A No, he could not have got it. In fact I asked him when he came up if he was in position to get the signal and he said no.

Q In Calgary, in addition to the people working around the yard, the service train crews and your yard crews, do you have any other railway employees working around there?

A Yes, you have your grain inspectors.

Q Are they railway employees or outside employees?

A I think they are hired by the government to check the grain in the cars.

Q How do they work, by the way?

A Well, they open the door on the car and go in and take a sample of the grain out. Very often they are working on the opposite side of the cars to what the switching crews are working and different times I have had an engine follower swing us down or something when we come into a track and I would go up and ask what the trouble was about and he would say, "Well, the fireman said the grain men are working back there on those cars which are on his side." The ladders were on his side and we didn't see them from the other side of the train.

Q The ladders?

A They have ladders to get up and get into the doors.

Q Mr. McKinstry, in your experience is there or is there not any difference in yard service between working, say in sunny weather, on a summer day or at other times of the year?

A Well, I would say there is quite a bit of difference between working on a sunny day and in a blizzard.

Q What part of the work is it more convenient to do in the summer on a sunny day and what part of the work is affected by having to do it on a snowy, blizzardy day in December or January or February, as compared with a nice sunny day in July?

A Well, your work would be slowed down and visibility is a lot poorer, for one thing, and your cars, if you have a lot of snow and one thing and another and you kick cars into a track they won't run like they will on a warm day and lots of times they will foul up on you.

Q Does that affect the amount of attention and care that the ground crew has to give to its work?

A Well, yes, I would say they have to watch a lot closer; everyone has to watch a lot closer.

MR. SINCLAIR: Surely this witness is capable of answering questions without being led.

MR. LEWIS: Mr. Chairman, I do not mind these interruptions, but I could go through the transcript and show literally hundreds of places where I might have objected. I do not say this unkindly or in an argumentative way.

MR. SINCLAIR: If my friend is asking the witness for his opinion I do not

think he should lead. There are many cases where I do not think it makes any difference, but that last question asked for an opinion from his experience as a yardman. That is all I am suggesting to the Commission.

BY MR. LEWIS:

Q Mr. McKinstry, we were discussing the situation in weather where you said the work is slowed down and the visibility is more difficult. Would you tell the Commission what effect, if any, that has on the relationship of the ground crew with the engine crew?

A Well --

Q Perhaps I have not made myself clear.

A That is just it, I don't know just what you want to know. You would have to be in closer proximity with your engine crew in weather such as that.

BY THE CHAIRMAN:

Q I suppose one thing is you would have to take fewer cars at a time?

A Yes, that is the general rule, sir.

BY MR. LEWIS:

Q Finally, in this work, Mr. McKinstry, as a yard foreman and in your experience as a yard foreman, what would be your feeling as an experienced yard foreman if the man on the other side of the engine cab were removed in yard service?

A Well, you would have to have one of your crew up at that engine a big part of the time, riding that engine, and consequently it is going to cut down on the amount of work you are going to do. If you have one of your men up there he is not going to be back doing work where the work is going on.

--

--

--

Q And if you have that man up with the engine where on the engine would you have to have him?

A Well, I imagine you would have to have him on the front of the engine when he is shoving down a ladder track or anywhere like that because the engineer naturally cannot see the other side and you would have to have someone on the front to protect him.

MR. LEWIS: I think that is all. Perhaps this might be a good time for a break, Mr. Chairman.

THE CHAIRMAN: Yes.

---Recess.

-- After Recess

MR. R.F.McKINSTRY, Recalled

BY MR. SINCLAIR:

Q Mr. McKinstry, you told the Commission about certain periods when the four-man crew at the Imperial Oil Refinery warehouse were reduce to three men?

A That is right.

Q Now, you recall the reason why they were reduced to three men, do you not?

A In one instance, Mr. Sinclair. I would not say on the others, no.

Q Well, in that instance, what was the cause?

A Well, I think it was the crew got into some trouble over at the Imperial Oil.

Q What kind of trouble?

A They were stealing gasoline, to be exact. That is what they were disciplined for.

Q They were dismissed, were they not?

A Yes, that is right.

Q That was one instance that you talked about when it was reduced to a three-man crew. Now, can you not recall the situation when it was also reduced to three because the men were rotating, leaving the job some three or four hours before the end of the shift?

A I do not.

Q You do not recall that?

A No.

*in time
for*

R.F.McKinstry

Q I suggest that at one period it was a regular practice for one of the crew men each day to go off because there was not enough work to do and they rotated. You go off one day and the next man goes off the next day and so on. As a result of that investigation and this practice being established ^{as existing} the ground crew was reduced to three men?

A Never when I was working on the job, anyway.

Q Not when you were working on the job?

A No.

Q But when you were in the yard?

A Well, I did not know about it sir.

Q It was quite the usual thing, was it not, for these men to take time and take gasoline? I think it was quite usual, was it not for the crew to bring gasoline up there on the engine for their own automobiles?

A I would not know.

Q You would not know?

A No.

Q You say this was a busy job?

A Yes, it is considered a busy job.

Q And your evidence was that at the Imperial Oil Refinery you had no difficulty -- I think in answer to one of the Commissioners -- except you said that when you were shoving some cars and pulling some cars that where the lead curves -- and this is shown on Exhibit 217 -- if the man in the lead -- that is the engine follower out on the point of the movement --

*not recall either
rotation*

R.F.McKinstry

was, say, -- I do not know how many cars you said; four or five?

A If he was more than two cars from the engine.

Q If he was more than two cars from the engine he disappeared from view.

A From the engineer's view, yes.

Q From the engineer's view? And you said that applied to what kind of power?
Any kind of power?

A That would be with any kind of power, Mr. Sinclair.

Q With any kind of power?

A Yes.

Q Now, why is it necessary for you to have three men behind the engine and one man in front of the engine on that move, will you tell me?

A No, it is not necessary. I could wait until one of the men came up and put them up there.

Q Or you could come up yourself?

A Yes, I could come up myself. While they are doing this work, as I said, I was making up my list which I get.

Q You were marking up your list but as you now have said it is merely a matter of reorganization, putting two men in front of the engine and two behind the engine when you have the set up of more than two cars ahead of the engine and a number of cars behind. If you did that the matter could be handled safely and expeditiously?

R.F.McKinstry

*agreed 2 men
forward
safe*

A Yes, that is right, but as I say, this is the way we have been doing it.

Q The "O" yard is across the Bow River, as shown in Exhibit 217, is it not?

A That is right.

Q That is a back up movement there?

A Yes.

Q When you were working on that move certain tests were made?

A Yes, they were.

Q And one of those tests was made on April 30th?

A Yes, I believe that is one of the dates I gave you.

Q Yes; the report I have on that, Mr. McKinstry, is this. You can tell me whether this is correct, please. On Tuesday, April 30, engine 8642 -- is that the number?

A That is right.

Q Is that your shift?

A Yes, that is right.

Q By the way, you are the only shift that does this refinery?

A Well, on the sixth and seventh day they sent other engines in but we do practically all of it. I might say we do practically all of it.

Q It is done by one shift?

A Yes, it is one shift during the day.

BY THE CHAIRMAN:

1. The first part of the paper is devoted to a general discussion of the problem.

$$x_1, x_2, \dots, x_n \text{ are the roots of the equation}$$

$$x^n + a_{n-1}x^{n-1} + \dots + a_1x + a_0 = 0$$

where a_0, a_1, \dots, a_{n-1} are real numbers.

$$x_1, x_2, \dots, x_n \text{ are the roots of the equation}$$

$$x^n + a_{n-1}x^{n-1} + \dots + a_1x + a_0 = 0$$

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$$x^n + a_{n-1}x^{n-1} + \dots + a_1x + a_0 = 0$$

R.F.McKinstry

Q This movement is what?

MR. SINCLAIR: It is pushing the cars out of the Imperial Oil Refinery over into "O" yard which would mean that the engine would be headed east -- which is really southeast, I guess. The cars would be coupled to the back of the engine. They would be shoved over down across the highway, over the Bow River bridge and into the "O" yard.

THE CHAIRMAN: All right.

BY MR. SINCLAIR:

Q And the witness said that around the lead there, that curve in the lead, at certain times the signal disappeared from view on the back-up movement. That is the shoving out of loaded tanks, correct?

A That is right.

MR. SINCLAIR: And one of the observations mentioned he / was on April 30 and I am now going to read the report that I have of it.

THE CHAIRMAN: Well, I follow that.

BY MR. SINCLAIR:

Q The report reads:

"On Tuesday, April 30, engine No.8642 was on the assign and the same procedure was followed, "-- that is that a test was made -- " with the exception that the engine follower was instructed to station himself on the car next to the engine on the engine-man's side. Here again not only was he "-- that is the engine follower --" lost

to view of the engine for approximately five to seven seconds but he was also lost to view by the fireman."

Do you remember that?

A Yes.

Q So that actually you were shoving under those circumstances with that class of power where the signals disappeared from view completely?

A That is right.

THE CHAIRMAN: Was this a yard engine?

MR. SINCLAIR: A road switcher, sir, No.

8642.

BY MR. SINCLAIR:

Q And as a result of that, Mr.McKinstry, there was a conference held with the yard master that you know about, do you not?

A I did not know about the conference, Mr.Sinclair.

Q And so they decided to try it with two types of yard engines, 6700's --

A 6500's, was it not?

Q No, 6700's -- that is the note I have.

A We had the 6500 that day.

Q They found trouble with the 6500 as you said so they then put in a 6700.

A We had a 7400 I think.

Q And then a 7400.

A Yes.

Q The 6700 class is an 800 or 900 horsepower yard diesel and a 7400 class is a yard switcher of 1200 horsepower?

A Yes.

Q These tests were conducted and demonstrated that with this type of power and positioning the men properly at no time did the signals on this move ever go out of view of the engine.

A Well, according to the engineman, on the third car he could not see him.

Q I said with the man on the first car?

A Oh yes, that is true. I admitted that.

Q This is on the back up move?

A Yes.

Q Pushing out?

A Yes.

Q And I am instructed that instructions have been made to assign this class of power to this job so that signals will not disappear from view completely as they were doing with the other type of power?

A Yes.

Q And that would improve the safety factor immeasurably?

A Oh yes, that would.

Q On Exhibit 216, as I understood your evidence, Mr.McKinstry, the only time you said that in these moves in this area that you had difficulty was when there was a road switcher being used to take cars -- and that would be to push cars?

A That is right.

Q The engine again here headed which way?

A Headed east.

Q Headed east? As I took the note -- I think maybe it was just an error -- you said the engine was headed west, or perhaps my note is wrong. In any event the engine is headed east?

A That is right.

Q And you push these cars over to B.A.Oil through the transfer?

A That is right.

Q And to make this move it has always been the practice for the man to go high?

A Yes, in my experience, it has, anyway.

Q And you say if they are not positioned in such a way that the engine follower who is high is in direct view of the engineman when they get on the curve on Exhibit 216 which is to the left of the plan on the transfer tracks he disappears from view of the engineman and he is only in view of the fireman?

A Yes, if he is more than one or two cars away.

Q The reason you say that he sometimes has to get there is because of the type of car that is next to the engine?

A That is true.

Q It would not take much organization on your part, would it, Mr.McKinstry, to have a

R.F.McKinstry

reacher on your nose to make sure that he had a position to ride?

A No, it would not take much organization on my part but the yardmaster tells you to shove over and they do not want you to tie up the yard and what have you there.

Q But you could pick up a reacher and you could do the move completely safely?

A Oh yes, it could be done like that.

THE CHAIRMAN: Is that a reacher on the nose?

MR. SINCLAIR: On the nose of the engine, which would give the man a place to stand.

THE WITNESS: That would be the back end.

HON. MR. McLAURIN: It would mean putting out a box car he could use..

MR. SINCLAIR: Yes, or a tank that is properly aligned so the man can stand up in complete view of the engine.

MR. LEWIS: That is a reacher on the back of the engine, not on the nose.

MR. SINCLAIR: Yes, at the back.

THE CHAIRMAN: Where is the reacher? Is it attached to the nose of the engine or to the cab?

MR. SINCLAIR: It would be back of the cab of the engine as he is backing here; that is, engine headed east.

THE CHAIRMAN: But that is not on the nose?

MR. SINCLAIR: No sir, I was looking at

R.F.McKinstry

my note. I am sorry.

THE CHAIRMAN: All right; I just wondered.

BY MR. SINCLAIR:

Q The engine here is headed east. You would then have a reacher on the back of the engine which would give the engine follower a place to stand where he could always be in complete view of the engine?

A Yes, that is right.

Q And that would be a better and safer practice because that is always the best and safest possible practice in switching?

A There is no doubt about it, to pass it direct is --

Q It is better?

A Well, I would say it is better. I like to work direct to the engineer, if I can.

Q That is one way that move could be taken care of?

A Yes, that is right.

Q Now, let us examine Exhibits 213, 214 and 215. In these exhibits you are up near the station and west of the station, are you not?

A Yes, Exhibit 213, 214 and 215. Well, in 215 you are east of the station.

Q 215? Well, we will stay east of the station. Oh yes, Exhibit 215 -- when you are turning passenger cars?

R.F.McKinstry

A That is right.

Q Now, in this move, Mr.McKinstry, you said that the engine again is headed east here?

A Yes.

Q And this is a yard diesel?

A Yes.

Q So, you would pull down the leg of the wye marked "A", you would pull with the cars attached to the cab end of your diesel?

A That is right.

Q And then you would push up the leg of the wye marked "B"?

A That is right.

Q And on that move, the pushing move up the leg of the wye marked "B", one of the ground crew would be on the point of the movement?

A That is right.

Q With the back-up hose connected?

A That is right.

Q So, the only difficulty that you could draw to the attention of the Commission on this one was in regard to the signal marked on Exhibit 215?

A Yes.

Q Which would be seen by the man on the point of the movement with the back-up hose?

A That is right.

Q And he would stop with the back-up hose?

A That is right; if he cannot get a signal through, that is the procedure.

BY THE CHAIRMAN:

Q If what?

A If he could not get a signal through. There is quite a curve there and if you have a number of cars --

BY MR. SINCLAIR:

Q It is just as easy for him to dump air with the back-up hose?

A Yes.

Q There is no difficulty about that?

A There is no difficulty about that.

Q That is what the back-up hose is there for?

A Yes.

Q He can bring the train to a stop with that?

A Yes.

Q And that gives him a complete stopping of the train?

A Yes.

Q And that is the fastest way of stopping the train?

A Yes.

Q That is the safest way of bringing it to a stop if you want to bring it to a stop when you are not in direct communication with the engineer?

A Yes, he will sure stop.

Q You say, as a matter of convenience, they sometimes ^{hand} give/signals to the fireman?

A That is right.

Q Then, on the start-up move you say they give hand signals to the fireman again?

A That is right.

THE CHAIRMAN: Now, the start-up move is what move?

MR. SINCLAIR: After having stopped

for the signal they are going to continue pushing, backing up the leg of "B" so as to get over to the eastbound, and cross the crossover if they want to go across the crossover, which is farther to the right on Exhibit 215; they are continuing with their movement after having stopped for the signal.

THE WITNESS: That is right.

BY MR. SINCLAIR:

Q What kind of ground is there to the right of this leg of the wye marked "B"?

A That would be south of it, do you mean, Mr. Sinclair?

Q Well, southeast?

A Well, you are going right around Burns there.

Q What kind of terrain is there between the leg of the wye marked "B" and the eastbound main line?

A That is quite flat in there. There is a burner, Burns have a burner in there and there is an egg plant just around the bend, an old egg plant that is not being used.

Q I suggest, and I think you will agree, Mr. McKinstry, that one of the ground crew could easily get off the movement, go on to the ground and take a signal and give it direct to the engineman?

A He would have to go out a long way.

Q What do you call a long way?

A Depending on the number of cars he has.

There are places there where he would have to go out over a hundred yards.

Q Is the communicating cord connected up?

A No.

Q Could it be connected up?

A I do not think they have communicating cord connections on yard diesels.

Q And you say he would have to go out about 100 yards?

A Yes; that is just a guess, offhand I would say about 100 yards.

BY THE CHAIRMAN:

Q To take a signal from the man on top of the cars?

A There would not be anyone on top of the cars, sir.

BY MR. SINCLAIR:

Q These are passenger cars?

A Yes.

Q Have they got side ladders, any of them?

A No. They might have the odd step on them, but they are not equipped to be climbed up and down.

Q Except in so far as there are passenger express cars or reefers or something like that?

A Something of that type, yes.

Q You say the difficulty then would be that the man would have to walk out to the west?

A Yes, to the north and west, there.

Q To get in line with the engine?

A Yes.

Q Then, if he did that, there would be no difficulty?

A He would have to get the signal and then run to get on or wait until he could get on the engine.

Q He could walk over and get on the engine?

A Yes.

Q He would not have to run?

A No.

Q Your answer is no?

A That is right.

Q Now, we are up to the depot, that is, 213. There is a major building program going on with respect to this trackage in Calgary at the present time, is there not?

A They were lining up some jobs to go up there. I do not know what the project is going to be, sir.

Q You are saying, in regard to Exhibit 213, that in building the passenger trains on Tracks 3 and 4 --

A I said 1, 2, 3 and 4.

Q Tracks 1, 2, 3 and 4 -- well, let us look at 3 and 4, if you will, for the benefit of the Commission. You were saying it was the practice for the fireman to work on the open side, the platform side?

- A For the crew to work on the platform side.
- Q Yes, and the engine here again is pointed east?
- A Yes.
- Q This is switched by yard diesel?
- A Yes.
- Q You would be building these trains from the east?
- A From the west.
- Q From the west?
- A Part of them are built from the west and part of them the switching is done from the east. They work from both ends of the track there.
- Q What I was not clear about when you were talking about Tracks 3 and 4, you were saying they relayed signals through the fireman?
- A On No. 3.
- Q I am not clear how that could be done if there were cars on the other track?
- A That is on 4?
- Q Yes?
- A Well, working from the west end in, Mr. Sinclair.
- Q Working from the west end in, that is when they would do it?
- A Yes.
- Q And working from the east end in they would always give them to the engineman?
- A Not always, no, because you have your

platform on the fireman's side no matter which end you are working from. Working into Depot 3, you are talking about?

Q Yes, working into Depot 3 with the engine pointing east?

A Yes.

Q That would put the fireman on the platform between 2 and 3?

A That is right.

BY THE CHAIRMAN:

Q That is on the platform side?

A That is right.

BY MR. SINCLAIR:

Q The fireman would be on the platform side, that is the platform between 2 and 3?

A Yes.

Q You say that in working that track, building passenger trains on that track, the fireman is used as a signal passer; now, why?

A Well, I said that in dark and stormy weather, more so than in daytime --

Q Yes, you said in stormy weather, that is right?

A Because you get in there, sir, and there are car men working, there are lights and steam flying --

Q You mean from engines? You were talking about steam engine days?

A No, steam flying from the steam boxes,

the heating system for the coach yard.

Q Is it not possible for the men to position themselves in the vestibule of cars and give signals down from the vestibules?

A Yes, it is.

Q They can position themselves in that way and relay signals down to the engineman?

A I have seen it so bad you could not see a car length even up in the vestibule, when the weather is cold.

Q Under those circumstances you have to have three men right together and passing signals right along?

A Those are the cases I am talking about.

Q It is when you could not see a car length, that is when you worked on the fireman's side?

A When the visibility is very poor and when I consider it safer to work on the other side, we would work on the other side.

Q When you believed that you could not see a signal from the vestibule next to the engine?

A That is right.

Q The vestibule of the car attached right next to the engine?

A You could see the signal from the vestibule up to the engine, but it would be getting signals between the rest of

the crew.

Q How many cars would you be handling?

A Well, lots of times, when we are handling No. 8, we would take 7, 8 or 9 cars off it.

Q If you took half of that draft of passenger cars?

A If we did we would never get it out on station time.

Q In stormy weather such as you are speaking about, delays are not unusual?

A Well, it was not unusual. We did not have to have actual stormy weather to have steam as bad in that area.

Q If you did it with a cut or a draft of four cars, would there ever be a case where you could not position your men properly and give signals to the engineman?

A I would hate to come out and say that there was not.

Q I am asking you, do you know when there would be an occasion? You are saying you would think there would not be occasions?

A I would think there would be occasions when you could not see even with just four cars.

Q How many cars would you have to have to give signals direct to the engineman?

A Well, I would say not more than three when such conditions prevail.

Q Except on those bad days you can always

give signals direct to the engineman if you position your men as I have suggested by using the vestibules?

A Yes, I would say when there is no steam flying around, when the weather is clear and no storms, you could in Track 3.

BY THE CHAIRMAN:

Q Well, Mr. McKinstry, what we are talking about in these proceedings is, supposing you had no fireman and you had a stormy night, lots of steam flying, how could you do the job, if you could do the job?

A Well, about the only way would be to pick up one or two cars at a time and set them out.

BY MR. SINCLAIR:

- Q Or to have the engine pointed west?
- A Yes, you could have the engine turned the other way.
- Q If the engine was pointed west then you would have the matter completely solved without any difficulty whatsoever?
- A Until you came to track 2.
- Q Then if you had to do it, in that case you would have to have another engine pointed the other way under those circumstances?
- A That is right.

THE CHAIRMAN: This is one of those dual control situations, is it?

MR. SINCLAIR: I would not think so, sir. I think there are two engines working this assignment and one could be in those circumstances pointed east and the other pointed west.

BY MR. SINCLAIR:

- Q There are two engines working this assignment?
- A Generally an engine works each end of the yard.
- Q I think all that would be required would be to have one turned one way and one the other when they needed to make these moves under the conditions Mr. McKinstry is talking about, which

I do not suppose in Calgary are too usual, are they?

A I have not worked the job for about four or five years, as I said, but at that time they were quite usual.

Q For how many months in the year, eight months in the year?

A No, I would not say for eight months in the year; the winter months.

Q Without a fireman on this assignment and one engine headed east and one engine headed west this move could be made?

A Oh, no doubt they could be made. You could keep switching ends with your engines.

Q They could be made safely?

A Oh, yes, as long as you are out where you can see. They could be made safely.

Q Exhibit 214. Would you take a good look at that? I think the artist's pen may have taken a little bit of a turn on this one because he seems to have made the curve into the warehouse a little sharper than as I recollect it and as I see it on the map. Would you agree with that? Would you agree that on Exhibit 214 the curve is a little sharper than your experience would indicate it is?

A No, I don't think I would. If I remember the curve correctly it curved

right from the gate to the lead.

Q I will place Exhibit 214 over the map. You can see through it, Mr. McKinstry. I put the exhibit right on it. This red line as shown on the sketch is what I have just traced from the map.

A Is this the building?

Q Yes, the building comes up here. I have just traced that red line from the map and it shows quite a different degree of curvature; do you agree with that?

A Well, as I remember it, this would be absolutely the curvature, but as you say, it is on the map.

Q I am instructed that there have been a substantial number of observations made of the way the men are doing the work here and the instructions I have do not agree with your recollection of how you did this job. Have you made any observations there in the last year?

A No, I have not. I was talking from my own experience.

Q That would be maybe four or five years ago?

A Yes, some years back.

Q You are not saying to the Commission that this job at the Imperial Oil warehouse cannot be organized so that signals can be relayed directly to the engineman, are you?

A I am not.

Q You are not surprised that it can be organized properly?

A Most jobs can be organized if you want to spend the time.

Q And if you organize --

A And the extra time it is going to take to do the work.

Q Do you think it would take much longer if you organized this Imperial Oil warehouse job to do the work without using a fireman?

A No, not too much longer.

Q Here again it has been quite usual for the crew to go high, on top of the cars?

A It might be recently, but when we used to switch it they did not go high too often.

Q When you allow your ground crew to work with the engine with two men you are always satisfied before you leave them to do the work that signals can be properly relayed and that the job can be done safely? If not, you stay and make one of the sequence in the signal passing, do you not?

A I try to, yes.

Q You do do that, don't you? That is your job?

A That would be my job, yes, to see that the work is done and done as safely as possible.

Q I think you also worked another job, Mr. McKinstry, where there was a four-man ground crew, that is the shed job at Calgary?

A Yes.

Q There was some evidence you gave here earlier about the switching tail at N yard?

A Yes.

Q I do not know just what word you used, but you said that sometimes or often that switching tail was blocked?

A That is right.

Q Was it often or sometimes?

A Often.

Q That often the switching tail was blocked.

THE CHAIRMAN: That is Exhibit 215?

MR. LEWIS: Yes, sir. I called it the tail lead.

THE CHAIRMAN: The switching tail is what?

MR. SINCLAIR: The tail lead. It is marked on Exhibit 215 as the tail lead. As I recollect it, and the witness can correct me if I am wrong, he said that this tail lead here is often blocked by having cars stored there.

THE WITNESS: That is right.

BY MR. SINCLAIR:

Q I do not think you said "stored"; that is something I added.

A Yes. They would be stock cars that they are not using and storing in there, and gang boarding cars.

Q They are just put in there out of the way?

A That is it. Oftentimes they will shove a short wayfreight in there.

Q So that when this tail lead is blocked you use the track at the wye to do your switching on?

A That is right.

Q You said that that being so, because of the curvature it was convenient to give signals to the fireman; is that correct?

A Yes.

Q There would be no difficulty, I think you went on to say, if the tail lead was open to give signals direct to the engineman?

A That is right.

Q You would agree that that would be the better practice?

A It would be. We have asked for that a good many times.

Q There is just one further thing I wanted to clear up. This concerns the move to the B-A. That is one move a day?

A Yes. Well now, there are times when they have two switches a day, I believe a night switch and a day switch. I could be corrected on that, but I believe that is so.

THE CHAIRMAN: That is Exhibit 216, is it?

MR. SINCLAIR: Yes, sir; that is all I have, thank you.

BY MR. LEWIS:

Q There are just two or three points, Mr. McKinstry. First, about Exhibit 214. Did you look at the curve on that map before the person who drew the sketch made the sketch?

A Yes, I looked at it.

Q Did you give the person who made the sketch any instructions as to your memory?

A As I said, that curve looked like the one at Imperial Oil. It was not a true curvature; that is just what I told him.

Q So that the curve on Exhibit 214 was made in accordance with your memory of it?

A That was it.

Q Mr. McKinstry, do you recall when you worked on this job on Exhibit 214 over the years?

A Well, I worked on it as a helper and I

worked it a few times as a foreman, but I could not tell you just when they were. It was a number of years ago.

Q Does the job go back to 1941 when you started and 1945 when Mr. Shepp left Calgary?

A Oh, yes, it was being worked then. I worked it as a helper then. I never run it as a foreman in those days.

Q Do you have any memory as to how the signals were passed, how they were in fact passed during those years between 1941 and 1945 when you worked that job?

A Well, as I say, when I worked that job, at that time we did it from the fireman's side, especially when shoving in and spotting cars.

Q With regard to your present job, the one you are on now which is I think illustrated in part by Exhibit 217, had you ever received instructions before these supervisory people made these tests with you, beginning I think you said on April 26, if I remember correctly; had you received instructions before April 26 as to how you should pass signals, whether you should pass them to the engineer or fireman?

A No.

Q Have you received instructions since

April 26 as to whether you should pass signals to the engineman direct or to the fireman?

A No, I never have.

Q Just to make sure that the Commission is not misled. On this last job, the last time you worked this job before coming east was when, do you remember?

A That would be on the 3rd of May.

Q So that you left very shortly after the tests were completed?

A Yes, sir, that is right.

Q There may be some instructions waiting for you when you get back?

MR. SINCLAIR: I can assure you that there are.

MR. LEWIS: I just wanted to make sure that when he said he had not received any the Commission would know exactly what the facts were. I am sure instructions will be there before the report of the Commission is made. They will be there when Mr. McKinstry returns.

MR. SINCLAIR: If my friend wants to argue this point now on the evidence of this witness I will be glad to do so.

THE CHAIRMAN: There will be a proper time.

MR. LEWIS: I am not arguing the point.

MR. SINCLAIR: These snide remarks
do not do him justice or his clients.

MR. LEWIS: It was not a snide
remark. I do not know whether this is
characteristic of my friend on Tuesdays or not.

MR. SINCLAIR: On any day you make
a snide remark.

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BY MR. LEWIS:

- Q Mr. McKinstry, I am a little lost with regard to Exhibit 213. If my friend were given to snide remarks he would say not only with regard to 213. Mr. Sinclair said to you that there were two engines working that coach job. Is that right?
- A Yes.
- Q Do they work that job at the same time or at different times?
- A No, they work at the same time.
- Q One coming from the east and one coming from the west?
- A One working the east end of the yard and one the west.
- Q One working the east end and one the west?
- A That is right.
- Q What he suggested to you was that one of these engines could be headed east and the other engine headed west. Do you remember that?
- A Yes.
- Q Would that or would it not involve that each of the engines would have to work the entire yard? It then would not be divided between the east and the west end?
- A They would have to work both ends of the yard.
- Q And where would you have to put the engine headed east? On which of these tracks, 1, 2, 3 and 4, would the engine headed east have to be placed in order that the signals could be

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given to the engineer on the platform side?

A He would not be able to switch track 3 at all if he was headed east and give the signals to the engineer on the platform side.

Q So he would be working track 4, would he?

A He can work track 4 or track 2.

Q And then the engine headed west would work track 1 and track 3?

A That is right.

Q And then the signals would be given on the platform side to the engineer in each case?

A That is right.

Q And from your experience would you be able to say to the Commission whether from your knowledge -- if you have not the experience say so -- that would be a practical way of working the depot?

A Well, from my point of view it would not be very practical.

Q Why would it not be from your point of view?

A There is often times, most times in fact that both engines are working on the same train at once and you might pull a number of cars from the west end and have to take them up and put them into the storage tracks or get some more and cut in there up there where the engine on the other end is putting on cars from that end such as express cars or switching mail cars or something like that on the head end of

the train or vice versa.

Q Do I understand correctly -- Mr. Chairman, I am not trying to lead, I only want to understand the answer -- that you say it is more practical to have two engines working the same track at the same time often?

A Yes, that is the way they have always done it and I guess they figured it was practical to do it that way or they would not have been doing it.

Q And do you recall whether you worked this job, 213, between 1941 and 1945?

A I worked it as a helper and I don't know whether I worked that as a foreman then or not.

Q Well, whichever way you worked it, do you remember what the practice was with regard to giving signals at any time you did work it between 1941 and 1945?

A Well, as I said, at that time they used steam power.

Q Yes?

A And I know many a time when I have been working it as a helper the foreman has gone and told me to go up and tell the engineer, "We will take signals on the fireman's side as there is too much steam back on the track to see."

MR. LEWIS: All right, thank you.

BY MR. SINCLAIR:

Q Just one question arising out of that. You would always make that prearrangement?

A When we had steam power, yes, Mr. Sinclair.

THE CHAIRMAN: That is all, thank you.

MR. LEWIS: My next witness is Ralph
Colpitts.

DONALD RALPH COLPITTS, sworn, examined

BY MR. LEWIS:

- Q Mr. Colpitts, you joined the Canadian Pacific Railway in August, 1939, as a shop labourer?
- A I did.
- Q In Winnipeg?
- A In Winnipeg.
- Q And after a few months you became a wiper? Is that right?
- A Yes, sir.
- Q And you were promoted to fireman early in 1940? Is that right?
- A Yes.
- Q You told me that during most of the war, for about four and a half years you worked on military commissary cars?
- A I did. I was transferred from the roundhouse down to the dining car department to perform that service.
- Q And then you were set up as a fireman about 1945?
- A Yes, around that time.
- Q Out of Winnipeg?
- A Yes, sir.
- Q And for a few years you fired both freight and passenger trains? Is that right?
- A Yes.
- Q Any yard work at that time?
- A Oh yes, it was all in the one service.
- Q Pardon?

A It was all in the same service as fireman, yard, freight, passenger.

Q The same spare board, was it?

A Yes.

Q You were qualified as an engineer, you told me, about 1947?

A Yes, around 1947, yes.

Q And a couple of years later you were set up as an engineer? Is that right?

A Yes.

Q That would be around 1949?

A About 1949.

Q And since you were set up as an engineer in 1949 or around that date you have been on the engineer's spare board and have run engines on the road and in the yard as your turn came?

A Yes, sir.

Q And I suppose you have occasionally for lack of work been set back as a fireman?

A Oh yes. It would be only for short periods though because by that time I was in a position where I held a passenger train and it would be for possibly a month or two that I was set back as a fireman.

Q And have you had any experience in the Winnipeg yards?

A Yes, sir.

Q Much or little experience?

A Both as fireman and engineer I have had considerable experience in the Winnipeg yards.

Q And have you worked any part of the Winnipeg yards recently?

A Yes, I worked the coach yard or depot, the "G" yard, St. Boniface, the "I" lead, the north and south hump, all the various yards in the Winnipeg terminals, all of them, you might say.

Q I said "recently". Let us say the first months of this year.

A St. Boniface, the coach yard and depot, north and south hump, "G" yard, "I" lead.

Q Well, that is enough. During 1956 did you work in these yards?

A Yes, sir.

Q Will you tell the Commission something about the Winnipeg yards so far as you know them? How many yard assignments are there in the Winnipeg yards in a 24 hour period?

A To my recollection we have anywhere from 85 to 90. When I left I believe it was 85 jobs. That was the end of April.

Q And was there going to be any change in the number of jobs to your knowledge?

A Oh yes. I have had correspondence since advising me that three more yard jobs were put on. I don't know just what part. You see, we have two parts to the Winnipeg yard with engines starting in Winnipeg itself and, of course, St. Boniface which has its engines starting over in that territory.

Q You have three shifts in the 24 hours, of

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course?

A Yes.

Q And do you know about the assignments to be able to tell the Commission roughly how many of the assignments are on each of the shifts?

A On the day shift I believe the number is 28.

Q Yes?

A On afternoons the number is 25 and on nights it is 21. There are four in St. Boniface on days, four in St. Boniface afternoons and I think it is four in St. Boniface on nights.

Q When you said 85 to 90 assignments in a 24 hour period were you including or excluding St. Boniface in that total number?

A I believe I included St. Boniface in that respect.

Q Now, these are the actual yard assignments. Are there any other train movements through the yards in addition to these assignments?

A Many train movements, other train movements.

Q Have you at my request tried to recall what approximately the number of train movements would be through the yards in addition to the yard assignments?

A Well, having traffic coming both from the east and west, on our passenger trains in the morning from the east there are three -- not in the morning but throughout the day there are three daily trains. Leaving Winnipeg for the west there are five daily trains.

Q Perhaps my learned friend, Mr. Sinclair, will ask you for the details or perhaps the Commission will, but to give the Commission a picture of the yard can you tell the Commission from your knowledge how many trains, passenger, through freight, way freight, would be working through the yards, and when I say "working" I do not mean just passing through but worked through the yards in a 24 hour period?

A Taking in freight switchers, way freights, I would say over and above yard service there would be in the neighbourhood of 35 other assignments in the 24 hour period.

Q Now, from your experience in the Winnipeg yards what is the general aspect of the yard?

A It is a very very busy place to work.

Q And how about people in the yard?

A In the Winnipeg yards you have switchmen, you have sectionmen, you have car knockers, the men who inspect the cars as they come into the yard. At the south hump in particular you have the RX yard shop --

Q What is that?

A RX or repair yard. Employees are going to and from that point all the time. You have policemen running or walking down the trains checking seals. You have bleeders who bleed the air out of the brake cylinders, that is, to drain the air out of the brake

cylinders on the box cars.

Q Are they people in addition to the yard crews attached to the various engines?

A Not to your unit at all, no.

Q Pardon?

A They are extra employees that are used for their individual purposes other than our movements.

Q I am talking about the bleeding of the cars. Are they extra employees in addition to the yard crews that we have been discussing here?

A Oh yes.

Q Just go ahead. I am sorry I interrupted. What about people not railway employees? Are there any such around the Winnipeg yards?

A No, because the Winnipeg yard is not a place where you can travel through. You cannot walk through it at all because it is just a maze of tracks and buildings.

Q In other words, you are not cursed with any trespassers as a rule?

A No, it is a solid unit, the whole Winnipeg terminal by itself.

THE CHAIRMAN: This might be a good place to adjourn.

---The Commission adjourned at 12.30 p.m. until 2 p.m.

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Tuesday,
May 28, 1957

AFTERNOON SESSION

-- The Commission resumed at 2.00 p.m.

MR. D.R. COLPITTS, Recalled

BY MR. LEWIS:

- Q Mr. Chairman, I had forgotten to mention this which I should have mentioned about the witness' experience. I forgot to ask you earlier, Mr. Colpitts, you informed me that you were local chairman of the Brotherhood of Firemen in Winnipeg for seven years, was it?
- A Yes, about seven years, yes.
- Q Until the end of 1956?
- A Yes sir. I declined nomination last year.
- Q And while we are at it, what has been your record with the company?
- A My record with the company?
- Q As to demerit marks?
- A I believe on two occasions I have been disciplined. The first occasion for five demerit marks and the second for ten.
- Q Before the luncheon adjournment, Mr. Colpitts, we were dealing with various classes of people who might be around the yards and we had reached the point where you had just informed the Commission that because of the location of the Winnipeg yards you did not have any trouble to your knowledge with trespassers, is that right?

A No, there are no trespassers.

Q Are there or are there not people working around the yard who are not Canadian Pacific Railway employees?

A No, I do not believe there could be any one of that nature around the yard because they would have to have some connection with the yard to be there.

Q What do you mean by saying they would have to have some connection with the yard?

A There would be some duty that was necessary to the company's operation that would require them to be there; otherwise they would not be there.

Q Well, you mentioned earlier sectionmen, car checkers and the like. Could you say what other people would be working around the yards to your knowledge?

A Well, the usual switchmen and yardmasters and hump riders. At the north and south hump -- that is the crossing place of employees going to the roundhouse, to and from the roundhouse -- the engine crews from the roundhouse booking in over to the diesel shop track on the north side of the yard.

Q And is Winnipeg a centre with regard to grain shipments?

A Yes, it is. It is. And it is one place --

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MR. SINCLAIR: We know that.

MR. LEWIS: I did my best!

BY MR. LEWIS:

Q Yes, Mr.Colpitts?

A It is one place where we have the grain stabbers. I thought I had mentioned them to you. These are the grain inspectors in Winnipeg. It is the last inspection point they have before going to the lakehead for shipment.

Q And these grain inspectors, are they Canadian Pacific Railway employees, do you know?

A I have no authentic information that they are Canadian Pacific Railway employees.

Q You just do not know?

A I may stand corrected on my other statement on that score.

Q And these grain inspectors, or stabbers as you call them, they work around the grain cars?

A Oh yes, they are climbing up and down all the time around the cars. We have quite a few occasions while working the south hump -- I have had the fireman stop me from moving as I got a proceed signal. He stopped me and told me the men were still working on his side of the train and in that way with three or four men

D.R.Colpitts

up the sides of the cars on ladders it is a rather dangerous thing to do to move when they are working there.

Q And, Mr. Colpitts, when you first became a fireman did you receive any instructions on your firing duties? That would go back to 1939?

A Oh yes. I was required to make student trips with other firemen and engineers and during that education I was told when I was to be on the lookout, particularly over road crossings and through towns. The engineers vividly drew that to my attention while I was taking these trial trips and in the course of this time the engineer was the one who signed your paper and signified your progress as you got your experience.

Q Well, what subdivisions did you work on as a fireman?

A All subdivisions out of Winnipeg -- affected by Winnipeg terminal. That is, the Emerson, La Riviere, and Souris.

Q May we take them one by one?
Emerson goes from where to where?

A From Winnipeg through St. Boniface, south to Emerson.

Q Yes, and then the La Riviere one?

A La Riviere is through Rugby Junction, south to Rosenfeld and west through to LaRiviere.

Q And what was the next one?

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- A Souris. When I first started firing we went through Rugby south to Murray Park and then to Souris, straight west. Now we go through Rugby to Woodman Junction which is about four miles from ^{Winnipeg} / and then we turn out to Murray Park and straight west.
- Q And have you worked the subdivision that takes you from Winnipeg to Brandon?
- A Oh yes, the Carberry subdivision.
- Q Now, did you fire hand-fired engines on these subdivisions?
- A Yes sir.
- Q All of them?
- A Yes sir.
- Q Do you have any reliable recollection as to the number of tons of coal you would use up on an average on any of those subdivisions?
- A On an average over the subdivision the average fuel consumption would be about 12 tons.
- Q Yes; and have you -- this has been mentioned in a letter which Mr. Sinclair brought to the Commission's attention. Mr. Colpitts, have you had the experience at any time of using as many as 28 tons of coal on a subdivision trip?
- A I certainly have.
- Q And which subdivision was that?
- A That was on the Minnedosa subdivision. You travel .57 miles to Portage La Prairie on the Carberry subdivision. You branch north

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on the Minnedosa subdivision to Minnedosa.

Q And how long did you take to consume those 28 tons of coal from switch to switch -- from outer switch to outer switch?

A As I remember, it was about 18 hours making the trip.

Q You say making the trip. Would that or would that not include your initial delays and your final delays?

A Yes, and stops intermittent on the way.

Q Did you have the experience of using up to 28 tons once or more than once?

A Just the one occasion. That is all I want of that.

Q And, Mr. Colpitts, using up 28 tons of coal -- if I may lead Mr.Chairman -- that would take you a very large part of your time going over the road, would that not be right?

A Yes, it would, definitely. And owing to the fact that on the day this did happen or take place it was very, very windy. In fact, we stopped at one water tank to take water and the wind was so bad that it blew the top off a stock car second from the engine.

Q Yes; and if you had to spend such a large proportion of your time firing, do you remember whether you would be able to be of any value as a lookout to your engineer?

D.R.Colpitts

A That is one instruction we have always had. Whether on the road or in the yard in Winnipeg Terminals, that we look out, we be prepared to look out. We fire so that we will be prepared to look out at crossings and through towns. Fire our engines in that way. If you are coming to a town you know that at the switch entering that yard while you are passing through -- that would be the yard limit -- you will have your fire completed by that time in order to be available and on your seat passing through those yards or that town so that you can start again after you have accomplished that feature.

Q And on the occasion of your one experience when you consumed 28 tons, do you remember whether you were able to follow those instructions on that trip?

A Yes, I would say I have always made it a practice while I was firing to be in that position to see particularly going over crossings and through towns.

Q You have fired stoker engines, Mr. Colpitts, have you?

A Yes, I have.

Q Have you any memory as to what time you would be busy in your firing duties?
I am talking about on deck when firing a stoker engine.

A You would not be on the deck any great length

D.R.Colpitts

of time because of the fact that you have set your jets on your distributing plate so that you know once or twice after getting down to look at your fire how it is burning. It will be more or less watching the gauges -- just glancing momentarily away from the road.

Q When you were hand-firing or stoker firing did you have any experience of any very bad coal?

A At such times as you had bad coal you knew that you had bad coal. You had to do it from your seat more or less with the stoker jets. You boosted your pressure and when the first opportunity came to clean your fire -- if such was the case that you could not reduce it far enough -- reduce your jet pressure far enough to keep it from building on the plate -- you had to go along with the build up with coal on the front end of the fire box until you made a stop where you could attend to the fire at that time.

Q Now, Mr.Colpitts, you were local chairman of the B.L.F.E. from 1950 to 1956, inclusive? That makes seven years, is that not about right?

A Yes.

Q And during those years did they have diesels in the Winnipeg yards, do you remember?

A Yes, we have had diesels in the Winnipeg yards for quite some time now.

Q Do you know whether they had any on passenger trains?

D.R.Colpitts

- A No, the diesels on passenger trains to the best I can recall was the first dieselization that they did on the road. It would be, I would say, if I remember rightly now, three or four years ago.
- Q And what about freight, have you any recollection?
- A It would be only within -- certainly there is within the last two years -- there is a majority of diesels on the majority of trains out of Winnipeg now.
- Q Then, during the seven years that you were local chairman of the B.L.F.E. -- you may follow, if I may lead, Mr.Chairman -- it would be ^{mostly} steam engines that you had in the yard and on the road?
- A Yes, up until this spring; yes.
- Q And in those years with the steam engines still going did you or did you not have any experience as local chairman of firemen being disciplined for failure to look out?
- A Oh yes, failure to look out has been one thing that has been severely criticized around Winnipeg Terminals and out of Winnipeg on the road.

MR. LEWIS: Then, I should like to file Exhibit 218. Someone went economical on us, Mr. Chairman, and put two of these forms No. 104 on the same sheet. May we call it one exhibit?

THE CHAIRMAN: Well, what is it?

MR. LEWIS: Exhibit 218 would be two forms No. 104. One is for J. Kaspar and is dated May 11, 1953. The other is for R. Olsen and is dated September 30, 1953.

EXHIBIT No. 218 -- Two forms 104
relating to
J. Kaspar and
R. Olsen.

BY MR. LEWIS:

Q You supplied me with these originals of forms 104?

A Yes, sir, I did.

Q You identify them as such?

A Yes.

MR. LEWIS: The one dated May 11, 1953, relating to Fireman J. Kaspar reads as follows:

"Please be informed that your record has been debited with five demerit marks for failure to keep a continued lookout while switching movement being made at Manitoba Sugar Company's plant, Fort Garry, April 15, 1953, at which time contact made by tender of Engine 628 --"

THE CHAIRMAN: Both of these men are firemen?

MR. LEWIS: Pardon, sir?

THE CHAIRMAN: Both Kaspar and Olsen are firemen?

MR. LEWIS: Yes. I had better finish reading that:

" -- with pipe scaffolding close to track."

BY MR. LEWIS:

Q Engine No. 628, if I remember, would be a hand-fired D-10 Class?

A Yes, converted for yard service.

Q Then, the one to R. Olsen reads as follows:

"Please be informed that your record has been debited with ten demerit marks for violation provisions Rule 7 (a) -- failure to take prompt action to stop switching movements when signals disappeared from view resulting in rough coupling second No. 8 Track 7, Winnipeg Station, causing injury to passenger, September 27th, 1953."

Do you, by any chance, know or do you not know any of the details involved in the two mishaps for which discipline was given to Kaspar and Olsen respectively?

A I have no information in that regard, Mr. Lewis.

Q Then, Mr. Chairman, as Exhibit 219 I should like, with your permission, to file form 104 in respect of Fireman T. Chidlow, dated December 20, 1956, and Fireman G.K. Smith, dated December 20, 1956. The copies of both of these original forms 104 are on the one sheet, and with your permission perhaps we could call it one exhibit.

EXHIBIT No. 219 -- Two forms
104 relating
to T. Chidlow
and G.K. Smith.

MR. LEWIS: I had better read these into the record. The discipline to T. Chidlow reads as follows:

"Please be informed that your record has been debited with 20 demerit marks for failure to protest violation Rule 105, thereby contributing to mishap, running lead, engine 2706, December 13, 1956."

BY MR. LEWIS:

Q Now, do you know what kind of engine that would be?

A Yes, the one was a yard steam engine.

Q This one to which I have just referred, No. 2706?

A Oh, that is a road steam engine.

Q Was it hand-fired?

A No, I believe that engine is an oil burner.

MR. LEWIS: Then, the discipline to G.K. Smith, also a fireman, reads:

"Please be informed that your record has been debited with 20 demerit marks for failure to keep proper lookout and a party to violation Rule 105, thereby contributing to mishap running lead, engine 5806, December 13, 1956."

BY MR. LEWIS:

- Q Do you know what kind of an engine 5806 is?
- A Yes, that is another yard steam engine.
- Q Do you know any of the details involved -- by the way, was this one mishap or two separate mishaps?
- A That is the one mishap.
- Q The one fireman was on 5806 and that was a yard engine?
- A Yes.
- Q And Mr. Chidlow was on the other?
- A The road engine.
- Q Do you know any of the details of this incident?
- A The circumstances, as I was given them, were that the road engine was travelling from west to east, that is the 2700 was travelling from west to east down the running lead in order to get to the east end shop track of the roundhouse, which was beyond the roundhouse. The yard engine, the 5800, was

backing east to west in order to get to the shop track which was beyond and west of the roundhouse. The circumstances around it were such that a number of steam engines were on the yard engine shop track, which is just west of the roundhouse, and the steam conditions were very bad. The engines, one backing up and one going ahead, collided at that point.

Q The front of Engine 2706 collided with the tender of Engine 5806?

A That is right.

Q Were you in on the investigation of this case, by any chance?

A No, on this particular occasion I was at Souris.

Q Would you look at Rule 105, Operating Rules, Exhibit 27, and see if you can tell the Commission which paragraph of that rule or which paragraphs of that rule were alleged by the company to have been violated by the firemen who were thus disciplined?

A The first paragraph, I believe, would be the effective one in this case.

Q Were they not on a main track?

A They were not on a main track.

Q They were on the lead?

A They were on the running lead, yes.

BY HON. MR. McLAURIN:

Q What is the yard speed?

A The speed that you can stop within half the distance you can see.

BY MR. LEWIS:

Q You have worked about the yard as an engineer?

A I have, sir.

Q And have you -- Mr. Justice McLaurin reminded me to ask about this -- have you ever been told actually the speed in the Winnipeg yards?

A No, sir, that has always been the understood yardstick, that you have to stop within half the distance you can see.

Q Do you know what would be the average speed in which you would do your actual work in the yard, in the Winnipeg yards?

A A person walking would walk at a fairly good rate --

Q I mean the engine?

A That would be the speed you would travel, unless you had a straight, clear track with no conflicting movements coming into it. You would possibly go up to about ten miles an hour.

Q When?

A On any track that has not got or there are not any conflicting movements converging on to it.

Q Otherwise?

A You would travel at no greater speed --

well, in figures about five miles an hour.

Q Then, suppose we turn to some parts of your actual yards in Winnipeg. As Exhibit 220, Mr. Chairman, I should like to file a sketch of part of the Winnipeg yards which we have headed "Coach yard and east end of F yard". The coach yard is shown, is it, in the northwest corner of that sketch; is that right?

A No -- well, that is part of the coach yard. It is a storage yard for passenger equipment.

EXHIBIT No. 220 -- Sketch of
coach yard
and F yard,
Winnipeg.

M-2

BY MR. LEWIS:

Q Yes?

A The actual coach yard, as you see, the two tracks going to the northwest line, those are two leads, and the tracks immediately on the left, running off on the left lead, are known as the coach yard.

Q The tracks stretching from east to west?

A Running off that lead on the left side of those two leads that are going in a north-west direction.

Q And on the sketch end nowhere, as it were; those are the two you are talking about?

A Yes.

THE CHAIRMAN: Just south of the

coach house?

BY MR. LEWIS:

Q South east of the coach house; is it limited to those directly south of the coach house?

A That is correct.

Q It is those two leads you were talking about?

A No, those two here.

Q The two leads you were talking about are those which go in a northwesterly direction from the lead that is known as the coach lead, is it?

A The coach yard lead, yes.

Q And the coach yard itself, is it limited to the tracks just under the words "Coach house" or is it the track extended to the two leads?

A As you will see, they are extended from one lead to the other.

MR. LEWIS: Is that clear, Mr.

Chairman?

BY THE CHAIRMAN:

Q Are there any names on the leads at the east end of the coach yard?

A No, you could call the one to the right D lead of the coach yard, but the other is just known as the coach yard lead.

BY MR. LEWIS:

Q The eastern one could be called the
D yard lead?

A That is right.

Q And the western one the coach yard lead?

A The coach yard lead.

Q Looking for the moment at the coach yard
itself --

MR. SINCLAIR: I wonder if I could
mark this. My understanding of what the
witness is saying is that when he refers to
the most easterly two he is referring to the
somewhat parallel leads as the D yard lead and
then the next lead is the east coach yard lead,
and then on the other part of the plan at the
western left-hand side is the west lead for
the coach yard.

THE WITNESS: They could be under-
stood that way, yes, sir.

BY MR. LEWIS:

Q We could mark them that way?

A Yes.

Q Now then, dealing with the coach yard,
Mr. Colpitts, are the tracks there in
teams and are there platforms between
the tracks?

A Yes. There are coach cleaners
cleaning the coaches in that yard.
They clean them outside and in and
they are working around there all day

long during the day shift and walking on the platform. There are hoses connected to the cars, light and electric cords connected and in the winter-time of course the steam lines are connected up.

Q Where do you take the coaches to from this yard?

A To the depot. You travel from the west end lead coach yard. It is hard to describe.

Q Is the depot shown on this sketch?

A It is up on the right-hand side, that is the top; what is known as Princess Street.

Q That is right on the edge of this sketch?

A Where all the crossovers are and the eight tracks leading to the west end of the sketch.

Q On the west end?

A To your right -- the east end, I should say.

Q Those are the depot tracks, are they?

A Yes.

Q Are there any difficulties?

A Yes. You will notice there is definitely a diamond; there are three switches noted here.

Q What are you talking about now?

A Just about --

Q Is it the place you call Princess Street?

A Yes. To the left of all the switches and the crossovers here. The first switch-- there are three of them there -- the third switch is practically below the diamond.

Q You must describe it so that it goes on the record. The diamond you are talking about is the diamond up at what we have previously called the D yard lead and the east coach yard lead going in a north-westerly direction?

A That is right. The east coach yard lead crosses No. 8 track which turns right down from the depot over this diamond.

Q Which switch are you talking about?

A That switch, the third switch.

Q From where?

A From the --

Q From the left or from the right?

A From the left.

Q The one you called the first switch is the one which is west of the first crossover in this maze of crossovers at the beginning of these northwesterly leads?

A That is right.

MR. SINCLAIR: Could I suggest that we number the depot tracks starting at the bottom with No. 1 and numbering them

1, 2, 3, 4, 5, 6, 7 and 8? I understand the witness is now talking about No. 8 track.

That would be the depot?

THE WITNESS: The top; on the outside, yes, not the bottom.

BY MR. LEWIS:

Q The top track?

A Is No. 8.

BY THE CHAIRMAN:

Q Those are the tracks at the extreme right of this plan starting at the bottom and numbered from 1 to 8?

A Right.

BY MR. LEWIS:

Q Which switch is the first switch you are referring to?

A The first switch to the left or west of all the crossovers.

Q And the second switch -- you said there were three switches --

BY THE CHAIRMAN:

Q The first switch is the one to the left on the most southerly of all the tracks shown on this plan?

A Yes, sir.

BY MR. LEWIS:

Q On the track which is called the G yard lead toward the left of the sketch, which is designated as the G yard lead; is that right?

A That is correct.

BY THE CHAIRMAN:

Q Do you call that the No. 1 switch?

A No; the exact number of that switch, it is just a crossover switch.

BY MR. LEWIS:

Q Then you said there is a third switch.
I am just trying to get you to the third switch.

THE CHAIRMAN: I have only had one.

THE WITNESS: There is one there which you will see at the other end of the crossover, that is the other switch. The line going up to the next track shows another switch. That is the other end of that crossover.

BY THE CHAIRMAN:

Q There are two crossover switches?

A Yes. That is the west end then of the next crossover. The switch at the other end of that crossover is away over next the G lead, as you will see, and there is an arrow pointing out to it.

THE CHAIRMAN: I am lost here.

MR. LEWIS: I will see if I can help you.

BY MR. LEWIS:

Q The first one you are talking about is west of these crossovers and on this sketch is shown as the G yard lead; is

that right?

A Yes.

Q The next one with the arrow goes in a northeasterly direction, it is northeasterly of this first one?

A Yes. The next track is shown as coming in toward the left of the sketch.

Q The eastward main line?

A Yes.

Q Is that right?

A Yes.

Q Then you go straight along the eastward main line track and there is an arrow about three-quarters of an inch to the right of this switch we are talking about?

A This is the one I just referred to.

Q And the arrow is just at the eastward main line switch?

A Yes.

Q But the switch itself is below the arrow nearer to the G yard lead?

A Yes, sir, south of the eastward main line.

Q Between the G yard lead and the eastward main line, and the arrow is there to show that the switch belongs to the end of that second crossover, is that right?

A That is correct.

MR. SINCLAIR: I am completely lost too. I wonder if it could be put the other way. The two crossovers the witness is

speaking of is the crossover from the G yard lead to the eastbound main line and the other crossover is between the westbound and the eastbound main line?

THE WITNESS: Yes.

MR. SINCLAIR: That is the only one he is talking about?

THE CHAIRMAN: That is right.

MR. LEWIS: So far.

BY MR. LEWIS:

Q The switch that has the arrow to it really ought to be up there, should it, Mr. Colpitts, at the end of that crossover from the eastward to the westward main line?

A If it was there that is where it would be, at the other end of that crossover, but it is not; it is away over south of the eastward main line.

BY THE CHAIRMAN:

Q The switch is actually down below it?

A That is correct. That is the location of it, at the bottom.

BY MR. LEWIS:

Q Does it control that crossover then?

A Yes.

Q Up above?

A Yes, sir.

Q North of it?

A Yes, sir.

BY THE CHAIRMAN:

Q Those are manually operated switches?

A Yes, sir.

BY MR. LEWIS:

Q Now then, you were going to say something about those switches with the arrow which I think we have all now located?

A The diamond, as you have numbered the top line coming from the depot, that is the most westerly, or most easterly point on this sketch, the top line is Track No. 8 from the depot. You come to your first lead, that is the northwestern lead. Where that crosses at that point there is a diamond.

BY THE CHAIRMAN:

Q When you come along west on No. 8 you get to the switch?

A Yes. There are three switches off No. 8. When you travel a little further now to the west you come to the diamond that I am referring to here.

Q That diamond is made up of what?

A From the east coach yard lead and No. 8 of the depot tracks.

Q Before you get to the east coach yard lead you would pass the D yard lead?

A Yes. That is the third switch from the east travelling eastward; or westward,

that is the third switch that leads onto that D yard lead.

Q And extends over?

A To the next lead where the two tracks cross. That is the diamond. That is one place in Winnipeg, particularly when you are switching coach yard equipment, you have a right curve out of the next track above No. 8 track.

Q That is the first one above the westward coach lead?

MR. LEWIS: The first one west of the east coach yard lead.

BY MR. LEWIS:

Q That is what you are now talking about?

A As you travel down No. 8 and come to the diamond --

Q May I help you a moment. When you travel down No. 8 how is your engine facing, how is your engine headed?

A It would be headed west.

Q And the coaches will be attached to which end of the engine?

A They will be attached to the tender if it is a train; if it is a yard movement they will be attached to the point of the engine, the nose of the engine. You will be backing down there.

Q Are you dealing with a yard movement now?

A I am dealing with a movement from the coach yard.

Q So you would have a yard engine with the cars attached to the nose of the engine and you would be pulling the cars backing up?

A Backing up.

BY HON. MR. MARTINEAU:

Q Toward the east?

A You will be backing down No. 8 towards the west.

BY MR. LEWIS:

Q How can the engine be facing west?

A This is a yard engine coming down. I say with a yard engine coming down you are backing down. The engines in the Winnipeg terminal are all facing east.

Q Then this is a yard engine facing east?

A Yes, sir.

Q Then it is facing east and your coaches are attached to the nose of it and you are backing up pulling the coaches on its nose?

A That is right.

Q You are backing up toward the west?

A That is correct.

Q You go along Track No. 8 until you are past the east coach yard lead?

A Yes.

Q I think we know what you mean, at least

I know and I hope the others do.

A That is one movement coming in over the diamond. Now from the coach yard lead you will shove cars on the point of the engine easterly over that same diamond.

Q You are now making a reverse movement?

A No, it is not reverse, this is another movement that will conflict. What I am trying to put across is the fact that the confliction of movement in this territory is terrific at times in the Winnipeg terminal.

Q You have described one movement going westerly with the cars being pulled and the engine backing up from Track No. 8, and then you are now suggesting that at the same time -- what are you suggesting now, as I had perhaps better not lead?

A I am suggesting that another movement can come out and cut right across that diamond.

--

--

--

Q If I may stop you a moment, please -- coming out from the west?

A From the coach yard lead.

Q From the west in an easterly direction?

A Shoving in an easterly direction.

Q Shoving in an easterly direction on the same track?

A To cross over the same diamond.

Q To cross over the same diamond?

A Yes.

BY THE CHAIRMAN:

Q Now, where would the engine be on that movement and how would it be headed and where would the cars be?

A The coach yard lead engine will be headed east. The coaches will be ahead of the engine or east of the engine.

BY MR. LEWIS:

Q Attached to the nose of the engine?

A To the nose of the engine.

Q And you would be shoving the coaches eastward?

A That is correct.

Q While the other is backing up westward?

A That is correct.

BY THE CHAIRMAN:

Q May I interject a question here? Is the west coach yardlead the same track as the track we have marked No. 8 or is it the one to the north?

A The one to the north is the coach yard lead.

Q Well then, how can those two movements conflict because they are on different tracks?

A They are coming to the diamond, sir.

Q Well, if the west coach yard lead is the track to the north of No. 8 west of the east coach yard lead, I cannot myself see how it will conflict with a movement coming from east to west on track No. 8.

A What I am trying to develop here is the fact that this diamond, the man backing from east to west over the diamond has to be certainly on the alert to watch that there is no movement from the coach yard lead up over the diamond.

Q Well, naturally, but I thought you were talking about a conflicting movement?

A Then it would be a conflicting movement should there be any movement from the coach yard up over the diamond.

Q But that conflicting movement would have to be on the continuation westward of track No. 8?

A Westward on track No. 8, or the coach yard could be the conflicting movement with the man proceeding down track No. 8 the other way. Both must protect against one another on that diamond.

BY MR. LEWIS:

Q Is there or is there not difficulty with the passing of signals on any of these moves you have described?

A Well, when you shove up to the depot off the coach yard lead over the diamond you will notice that it is a left curvature to tracks 6, 7 and 8.

Q In the coach yard?

A No, that is right at Princess Street through the cross-overs. There is 1, 2 -- the third cross-over from the west straight up is a left curvature. If they run you through that fourth cross-over into track 5 you still have the left curvature. Into all these tracks in the depot there is a left curvature.

Q Yes, and do you know what happens in those cases?

A I know that the fireman is continually advising of movements around the platform, the depot platform in particular with express wagons, passengers, express handlers, mail trucks. There is continual movement on the depot platform at all times.

Q And are the signals passed to the engineer or do you know whether they are passed to the fireman?

A Through the fireman.

Q In the coach yard?

A Through the fireman.

Q Do you know whether there are any platforms between any of the tracks --

A Yes, there are.

Q Let me finish my question because otherwise the

reporter, as the Chairman has pointed out many times, maybe will not get it down. Go ahead. You were saying yes, there are.

A There are platforms between the tracks.

Q Between each track or between teams of tracks?

A The platforms are between -- well, teams of tracks, you might say. There will be two tracks together with a platform between them and then two tracks open and then a platform.

Q And have you worked the coach yard recently?

A Yes sir, I did.

Q When was the last time you worked it?

A I think it was April 26th.

Q Of this year?

A Of this year.

Q And when you worked this coach yard to the right of the sketch, Exhibit 220, where on that day were the signals given?

A On the fireman's side.

Q Pardon?

A On the fireman's side.

Q And have you ever received instructions about where the signals ought to go, whether to you as engineer or to the fireman?

A No sir, I haven't seen nor heard them. In fact, on the day I did work the fireman stopped me from proceeding because of passengers. I only had one coach but there was a passenger stepping very close to the coach and I had to

stop in a hurry because he saw this passenger at the platform.

Q Where was the ground crew at that time?

A They were on the left side.

Q The left side?

A The fireman's side.

Q The ground crew was there too?

A Yes.

Q And where was the passenger?

A On the left side.

Q The same side as the ground crew?

A Yes.

Q Did you receive any signal from any member of the ground crew?

A No, just the fireman hollered, "Stop, there is a passenger", and I stopped.

MR. LEWIS: Mr. Chairman, this is a little unusual but I think it will help our progress if we have a break for a few minutes now.

THE CHAIRMAN: Very well.

---Recess.

D.R.Colpitts

-- After recess.

BY MR. LEWIS:

Q If there are no more questions on the last Exhibit, Mr.Chairman, I will go on to the next. As Exhibit 221, sir, I file a sketch which we have headed, "G yard shed tracks in the Winnipeg yards."

EXHIBIT No.221: Sketch of G yard shed tracks in the Winnipeg yards.

BY MR. LEWIS:

Q On this sketch, Exhibit 221, Mr. Colpitts, I understand you want to deal with work ^{tracks} done on the lead just above the shed/in the lower half which is designated on the righthand side of the sketch as the G yard lead?

A Yes, just the lead alone and activity on that lead.

Q How is the engine headed, looking at that lead? . When the engine is on that lead how is it headed?

A The engine is headed eastward.

Q By the way, I understand -- if I may lead a little -- that the engine gets here light.

A Yes, it comes from the south side shop track to this point in the yard light, yes.

Q And then you do the switching work on what you call the shed tracks which are to the

south branching from the G yard lead to the south of it?

A I just did not follow you too closely on that question.

Q You come on to the G yard lead light, with a light engine?

A Yes.

Q And then you do your work, switching what you call the shed tracks which branch out of the G yard lead in a southerly direction or south easterly direction?

A This G yard itself is the commercial drive to tracks of the yard where the various commercial houses send their trucks to unload cars spotted there for them..

Q And that is where you do the work?

A Yes, right along that lead -- all along the lead.

Q And on the tracks which go to the south of it?

A Yes, into those tracks; yes.

Q And then you come along with an engine headed east and do you go into --

THE CHAIRMAN: Where are the cars?

BY MR. LEWIS:

Q Yes, where are the cars at that time?

A The cars are all spotted in those tracks.

BY THE CHAIRMAN:

Q In relatinn to the engine, are they tied to the nose?

D.R.Colpitts

A We proceed right to the east end of this yard and start with the first track tying the cars to the nose.

THE CHAIRMAN: All right, that is all.

BY MR. LEWIS:

Q The engine up to that point is without any cars and you come into the most easterly track and tie the cars which are in that track to the nose of the engine and then back up?

A Yes, we back up out on to the lead again.

Q And what do you do with those cars?

A We kick out the cars that are unloaded or cars necessary to be removed and then we shove back in again.

Q Where do you kick them out?

A On to the lead.

Q And is that where they remain?

A Yes.

Q On the G yard lead?

A Yes.

Q And then you go into another track is that it?

A Well, we shove the cars that we want to put back in there.

Q Yes?

A Then we cut them off, come out light with the engine westwardly on the lead and then we go into the next track to the west, tie on to the cars again, pull them all out, kick off the cars that we want, and we shove

back in again eastward, and we leave all the cars on the lead that are to be pulled out. We leave them on the lead.

Q And at this point when you have completed doing that on a number of tracks what do you do with the cars you have thus left on the lead?

A After we have completed all the tracks that require pulling those cars to come out, then we have to go right back to "I" yard, which is the continuation of "G" lead westward, right at the most westerly point in this exhibit here.

Q At this point, if I may, Mr.Chairman, you simply couple your engine on to the cars which are on the "G" lead?

A Yes.

Q You couple the cars together and away you go to the "I" yard?

A Yes, after we switch all the tracks. Yes, that is what we do. There is one thing in there, though. All the switches in this lead are on the fireman's side. They are on the left side of the engine.

MR. LEWIS: All the switches?

THE WITNESS: Yes.

THE CHAIRMAN: I do not follow that.

BY MR. LEWIS:

Q You said on this lead. Which lead do you mean?

A "G" yard lead.

BY THE CHAIRMAN:

Q The engine was facing east and then the

engineer is on the south side and the switches are all on the south side of the lead?

A No sir, they are on the north side. The switchman, after throwing the switch, must cross over again to the engineer's side to give the signal.

Q All I am saying is that I am endeavouring to follow this sketch. If the "G" yard lead is the track from which all these tracks lead off --

A Yes.

Q That is the track the engine is on, and the engine is backing up and the engineer is on the south side of the engine?

A The engineer is on the south side of the engine.

Q Well then, the switches are on his side?

A No sir.

MR. LEWIS: If I may interrupt, Mr. Chairman, the "G" yard is shown as one line on this sketch. It is not shown with both rails as far as the sketch is concerned.

THE CHAIRMAN: I am confused.

MR. LEWIS: I believe that what the witness is saying is that even though on the sketch it looks the way it does the switches are to the north of the rails.

THE WITNESS: That is right.

THE CHAIRMAN: Of the "G" yard lead?

MR. LEWIS: Yes.

BY MR. LEWIS:

Q Those dots which are shown on the "G" yard

lead and which are intended to indicate the switches, they are in fact, as I understand you, Mr. Colpitts, north of the "G" yard lead?

A They are, sir.

Q They are north of the northerly rail on the "G" yard lead?

A Between the "G" yard lead and the eastward main line which is the next line above the "G" yard lead as we have it here.

THE CHAIRMAN: I understand it now.

BY MR. LEWIS:

Q You inform me, if I may again lead to make it simpler, Mr. Colpitts, that there is no problem here about giving signals through the engineer in all of these movements?

A Only on occasion when they cannot get the pin on the car that they want to kick off. Then they have to go over to the north side of the cars and the switchman gets the pin on that side giving a signal to the fireman when he is prepared.

Q Let us take that in two steps, if you will, Mr. Colpitts. If he cannot get the pin on the engineer's side -- again if I may lead -- it is because there is something defective about it, is that right?

A Yes.

Q Would that happen very often?

A Well, it happens about every second or third day, anyway, on that job.

Q Then he goes over to the north side, to the fireman's side, to pull the pin and you say he gives the signal to the fireman?

A Yes sir.

Q Is there any reason why he could not walk back again to the south side and give the signal to the engineer after he has pulled a pin?

A In the event the pin would not fall again. If the pin on that car he was pulling would not fall he could cross over but in this way they just give the fireman a signal. He tells the engineer, "kick him" and he does so.

Q And this man who has pulled the pin remains there watching that work, is that it?

A Yes.

Q Now, with that exception which you have just given, you did tell me that there is no difficulty about passing signals to the engineer in this work in the "G" yard, is that right?

A No, there is not, although the "G" yard firemen -- the firemen on this job; I worked it -- and on this occasion an express truck -- it does not show on this map nor on the large one over there (-- on the bulletin board --) but there is a small crossing built in at one of these paved roadways you will see marked here from one to the other. There is a small crossing over the tracks.

Q If you will excuse me for a moment, you are

D.R.Colpitts

now talking about the words "concrete laneway" which are shown several times on the sketch but particularly four times from the "G" lead down?

A That is correct.

Q You say that between two of these tracks there is --

A A little roadway built over.

Q Yes?

A It is close to the "G" lead.

Q Yes?

A On this occasion I was busy looking ahead for signals during switching movement.

Q Looking ahead?

A That is looking eastward.

Q Yes?

A Looking eastward to the signals given by the switchman.

Q Yes?

A When I started a backward movement a short distance behind me an express truck had come up over this little crossing and was foul of the lead.

Q Yes?

A The fireman then immediately drew my attention to this and stopped me from making a back up movement.

Q Were you receiving signals from anyone else at that time?

A I was receiving signals from the switchman

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in advance of me while we were handling the cars out of one of the tracks.

Q And when you stopped the movement how close to the lead were you? How close to this express truck?

A I would say about two car lengths away at the time.

Q Yes; and in view of the fact that there is generally no difficulty about passing signals to the engineer, Mr. Colpitts, what comment about the usefulness or lack of usefulness of the person on the other side of the engine do you wish to make to this Commission about working this "G" yard?

A In this "G" yard there are so many yard movements -- engines as we say "tramp" jobs, ~~other~~ yard movements that may have one or two cars from another part of the yard to deliver to the depot or the Canadian National Railways which is on the other side of the depot the Main Street transfer point. They come down this lead.

Q This lead being which?

A The "G" lead. They come down the "G" lead from the west eastwardly. They will be invariably shoving one or two cars, whatever the case might be.

Q Yes?

A With my attention as engineer fixed on the switching movements ahead of me the fireman

then advises of conflicting movements coming towards us.

Q As you are in one of those --

A Yes, as we are switching one of those tracks. On occasions the fireman has notified me. I have been able to stop and they proceeded to the eastward of this track to a point where they can get in with the one or two cars and the engine -- get into clear. They line the switch back and then we proceed with our movement westwardly.

Q And would these other engines work this "G" lead and this "G" yard tracks frequently?

A Well --

Q I am referring to the ones you have just described; or is that a very occasional occurrence?

A Oh, it is a very occasional occurrence that any other engine would place cars in this yard or switch this "G" yard on this lead but it is a well travelled lead for getting from one point to another in the Winnipeg Terminals.

Q And then I notice towards the left of the sketch between the southwest corner which is marked "I" yard and the "G" yard gt tracks there is a track which is called here the "H" yard lead, is that right?

A Yes sir, that is the shed lead, as we call it, but it is the "H" yard lead.

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Q It is the shed lead or the "H" yard lead?

A Yes.

Q Is there any comment you want to make to the Commission with regard to movements on the "H" yard lead?

A Yes. I would like to bring one thing to their attention and that is the fact that the engine in "G" yard is headed eastward. He proceeds eastward into the track at the bottom of this sketch which is "H" yard or the shed tracks with the nose of the engine and ties on to the cars. It ties up the track and then he reverses his movement with the engine cab first backing up on to "H" yard lead, straight back to "G" yard lead.

Q Yes?

A Now, this switch -- in order that the switchmen can perform their duties at the shed tracks which are at the bottom of the sketch -- they stay there, leaving the fireman and engineer at "G" yard and "H" yard where the two tracks meet.

Q You mean at the "G" yard lead and the "H" yard lead?

A Yes.

Q The point where the two leads meet?

A Yes.

Q Where is the engineer's attention at that time. From what direction does he obtain his signals?

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- A From the switches down at the shed tracks which is in the south -- the bottom south here of the sketch. His attention is directed that way. While they are proceeding westwardly backing up.
- Q And has the fireman any duty in your experience in that movement as you approach the "G" yard lead?
- A He has to watch for conflicting movements from the "G" lead.

Q And the switch at the G and H yard leads is at the point where the two leads meet?

A Yes.

Q Is that always lined for the H yard movement?

A No, because there are always movements up and down the G yard lead there, other yard movements as well as G yard itself. Therefore, this fireman on the H yard diesel will drop off, get the switch, after ensuring that the G yard lead -- that there is no movement coming and that they can safely back out on to that G lead for more distance in order to make their switching movements into H yard.

Q Do you know how many, generally how many cars would be attached to the nose of the engine working H yard lead or the shed tracks?

A I have seen 30 to 35 cars pulled out to be switched.

Q When they pull out there, then do they go back again in order to switch in H yard?

A They kick them down the H yard lead, yes.

Q While the fireman watches at this switch or runs out of the cab to line it? I suppose he does that when he sees it is lined against his movement?

A That is correct.

Q Where, in your experience, is the ground crew?

A The ground crew is all down at the switch, where the switches are. The man following the engine, he pulls the pins and the field-man, he lines switches and rides cars into the shed tracks. There are six of them.

Q Six of what?

A These shed tracks.

Q Why does he have to ride them in there?

A They have valuable merchandise in them, high cost merchandise, out of the sheds, in them, and therefore they cannot be switched around rough or the least little bit of roughness, as you can possibly with an empty.

Q Is the yard a level yard?

A It is a level yard.

Q Is there any need for tying down the brakes?

A Only if they do not want the cars to go too far down into the various tracks.

Q Are the cars merely kicked or shoved into the shed tracks, or do they have to be spotted?

A They pull cars to get rush loads out for time card trains that are leaving. You are working on time in this yard. It is one yard that is definitely on a time feature.

Q They pull, you say, the rush cars for time card trains out of there?

A Yes.

Q You told us that the engine follower or

pin puller is pulling pins and this field-man is turning switches or riding cars in?

A Yes.

Q Where is the yard foreman?

A The yard foreman is there giving signals as to how many cars to pull and how many not, because it varies as to what cars will be ready to be sent on the road.

Q Have you worked this G yard yourself?

A I have, sir.

Q How long ago?

A Oh, I would say six months ago.

Q Have you worked the H yard yourself?

A Yes, sir.

Q How long ago?

A The winter of 1953-54.

BY THE CHAIRMAN:

Q What you say is that in the H yard, if you did not have a fireman you would have to have a four-man ground crew?

A They have a four-man yard crew on this assignment, but this man's time is taken up making up lists of the cars that they have pulled in order that the other crew coming down to get the cars will know what is in the consist of their train.

Q Then, they would have to have a five-man crew?

A Yes, sir.

MR. LEWIS: If there are no further questions on that from the Commission, Mr.

Chairman, I should like to file as Exhibit 222 --

BY THE CHAIRMAN:

Q Before you come to that, I should like to ask you about this man who pulls the pins in the G yard lead. You said he has to cross over to the fireman's side and he has to stay there and watch that the pin stays out. If you did not have a fireman, what would happen?

A Well, then, it would be a case of the man being on that side --

Q What side?

A On the north side of the car pulling the pin, with another man coming down and hollering through as to whether he was ready or not. Then, he would give the signal to the engineer when he hears the pin pulled, then he will give him the stop signal, the engineer will receive the stop signal and the car will go on down the lead.

Q Are you speaking about a re-arrangement of the three-man crew you now have?

A That is correct.

BY MR. LEWIS:

Q As Exhibit 222, Mr. Chairman, I submit a sketch which is headed "Shop, etc.", but which is really intended to deal with the

yard to the right of the sketch, which is labelled "I yard".

EXHIBIT No. 222 -- Sketch of shop,
etc., and I yard.

BY MR. LEWIS:

- Q Which lead on this Exhibit 222 do you work on, Mr. Colpitts?
- A In this sketch, you will see the engine house; to the north there is a track close to the engine house which is the scale lead. That goes from a northwesterly direction to a southeasterly direction. The next line parallel to that is I lead.
- Q That is the next line in a northeasterly direction parallel with that?
- A Yes.
- Q That is the I lead and that is the lead you work on with regard to the ladder tracks in I yard?
- A That is correct.
- Q And then again I understand, if I may, Mr. Chairman, your engine is heading east?
- A Yes, sir.
- Q That is the direction in which all engines in the Winnipeg yard are headed?
- A That is correct.
- Q What would you do then in the various ladder tracks off the I lead?
- A The I lead is an assignment where the engine

will go into Track No. 9; it will proceed eastward into Track No. 9.

BY THE CHAIRMAN:

Q Wait a minute. Where is Track No. 9?

A It will be the ninth line down.

BY MR. LEWIS:

Q From the top?

A Yes.

BY THE CHAIRMAN:

Q Where is the top?

A Up where the lead terminates.

BY MR. LEWIS:

Q Where the lead terminates in a north-westerly direction, that would be Track No. 1?

A Yes.

BY THE CHAIRMAN:

Q That is the third one down, really?

A Yes.

BY MR. LEWIS:

Q On my copy the No. 9 track is very light, a very faint line.

BY THE CHAIRMAN:

Q The next one down is No. 10, I suppose, and so on?

A Yes.

BY MR. LEWIS:

Q You were saying what happens at Track 9?

A On the I lead the engine will be headed

east and will go eastwardly into Track 9.

Q Nose forward?

A Nose forward, tie on to the track, then back out westwardly, back on to the lead, to Track 1, and continue back westwardly on to the track which is known as the long lead.

Q Yes?

A It will then --

BY THE CHAIRMAN:

Q Track 1 is known as the long lead?

A After that point, yes, sir.

BY MR. LEWIS:

Q You mean the rest of the I lead is known as the long lead?

A Yes.

Q Yes?

A After pulling back it is then necessary to proceed eastwardly again kicking off, switching off cars as they are needed, as this is a classification yard or a commercial yard switching point.

BY HON. MR. McLAURIN:

Q When you say kicking off cars, kicking off cars into the various tracks of I yard?

A Yes.

BY MR. LEWIS:

Q You say this is the yard where you marshal cars for commercial switching?

A Yes, the tracks are designated to certain

commercial yard assignments so the cars will be going into these individual tracks as they are switched out.

Q You are using the term commercial, and is that different from industrial switching?

A No, possibly that would be better.

Q It is the same thing. It does not matter, but I just wanted to be sure we had the same idea.

It is industrial or commercial switching and each track is designated for a particular yard assignment?

A That is correct.

Q Having to do with industrial switching; is that right?

A Yes.

THE CHAIRMAN: My understanding of industrial switching is switching into what is really a private spur, but this does not look like a place where industries are located.

MR. LEWIS: As I understand the witness, this is where they would classify the cars. The switching that you do here is to prepare each track for a yard assignment which would then pull the track away into the part of the city where they would do the industrial switching. This is a sort of industrial switching classification yard.

MR. SINCLAIR: Just straight classification.

MR. LEWIS: For industrial switching.

BY MR. LEWIS:

Q Now then, in all of these movements can you place from your own observation and experience, Mr. Colpitts, the ground crew for the Commission?

A The ground crew in switching this lead, the man following the engine will be at the point of the move with the foreman. The field man will be further down in the yard, further eastward on the lead lining the switches and preparing for the switching movements and the cars. The man following the engine then acts as the pin puller. The foreman of the crew will line the switches to the field man and where the pin puller is working, so that the whole crew is down right at the point of the movement, and the field man is even beyond the point of the movement.

Q When you back out of, say No. 9, out toward Track No. 1, up the long lead, and then come in again and back out of another track; as you do this, where does the engineer receive his signals from?

A He receives his signals on the right side, on his side, on the engineer's side.

Q And in order to do that in which direction does he look in relation to the direction of the movement when he backs up?

A He is watching ahead for a stop signal and ready to stop. When he stops he

gets his proceed signal forward again. While switching on this lead the engineer depends on the fireman to watch for movements shoving down from the west, down the long lead to I lead, which would be, as far as that is concerned, other cars to be switched out on I lead for industrial yards or sidings.

Q Is there more than one yard engine working at the same time?

A Oh, yes.

Q In the I yard?

A Yes. You will have a movement coming from the north side to the south side down the long lead to the I yard with a delivery of loads to be switched out, and this scale lead that is also immediately below your I lead, right at the engine-house there -- it is the long one, parallel -- you will notice there is a crossover to the right of the engine-house from the scale lead to the I lead.

Q That would be between Tracks Nos. 14 and 15, if I count correctly; is that right?

A That is the approximate vicinity of it.

Q On the sketch it is shown as between Tracks Nos. 14 and 15; is that right?

A Yes.

Q What about this crossover from the scale lead to the I lead?

A It is very common rather than to wait for this I lead switching engine to complete his work, another engine will back through the crossover and use the scale lead in his switching movements which could be taking place at the south or southeast end of the yard.

Q You said he, would that be a yard engine?

A That would be another yard movement. It would be a different yard movement from the I lead.

Q In your experience how many yard engines have you known to work at the same time around I yard, the scale lead and in that area of the yard?

A Well, I have known an engine to be working the scale lead when I was working the I lead, and another track across it coming down the long lead on top of us, that is from the west, shoving in, and when these two movements here are taking place you would have a movement in G yard or another yard off Track No. 1, I No. 1 at the top, the third line down. They will be backing toward the conversion of I lead and Track No. 1.

Q And in that movement what is your comment, if any, to the Commission as to the

usefulness or otherwise of a fireman or some man on that side of the engine cab?

A With my attention directed always ahead in switching movements on that lead and the confliction of movement that can take place, the fireman is always advising what the circumstances are behind the movement I am making. That is one thing that the firemen in Winnipeg yards have always been told, "Watch out; is there anything coming out onto the lead, anything foul; if there is advise us."

Q You say they have always been told, they have been told by whom; do you know that?

A By engineers, and I may say during the investigations that is one thing that has been explicitly taught, that you must be on the alert, that you must protect your movement.

Q Investigations of what kind, involving whom?

A Some mishap that may have occurred in the yard.

Q And who were the people? Were you present?

A Yes, but I could not begin to name them.

Q I was not asking that. Are you giving us a recollection of something you were present at?

A Yes, I am.

Q As local chairman?

A Could be as local chairman, but since I am not local chairman any longer I have attended an investigation where the firemen must realize their responsibilities in engine service as to protecting movements and protecting, advising of all movements that may be foreign to their own.

MR. LEWIS: As Exhibit 223 I should like to file a sketch of the Winnipeg yards which is headed on the right-hand corner "R. M. N. Yards." We will have particular reference to an oblong, as it were, in the left half of that sketch. It is not marked, but it is known as Rugby Junction.

EXHIBIT 223 -- Sketch, R.M.N.
Yards, Winnipeg.

BY MR. LEWIS:

Q The oblong I was talking about is the one just south of what is shown as McPhillips Street and just north of the yard. There is a sort of rectangle there. You have the N yard toward the east of the sketch, and then there is Jarvis Avenue and McPhillips Street and R Yard toward the left of the sketch and so on.

HON. MR. McLAURIN: Is this near the depot?

BY MR. LEWIS:

Q Where is this in relation to the depot?

A It is west of the depot, yes.

Q And what is the work that you want to draw to the Commission's attention here?

A In this location in a yard movement with the engine facing east, headed east -- you will notice the second dotted line from the bottom is the main line. Then there is a track just above it; that is the lead. In a yard movement there is --

Q Excuse me a moment. There are two tracks marked main line?

A The second one from the bottom is the westward main line. The one immediately atop of that is the running lead.

Q I think you had made yourself clear and you must forgive me for interrupting. Just start again, starting from the bottom there is a line which we have marked main line; that is the eastbound, is it?

A The eastward main line.

Q Then the one above is also marked main line; that is the westbound main line?

A Westward main line.

Q You are talking about the line just above that which you say is the lead?

A That is the lead, the running lead.

Q You call it the running lead?

A Yes. In a movement through Rugby

Junction, which is a maze of crossovers, which can lead from the north yard to the south yard -- the reason I say this is because the north yard is all the yard north of the main line and the south yard is all the yard south of the main line -- any movements through Rugby Junction are controlled from the tower by signal indication.

Q Automatic or by operator?

A By an operator in the tower. During a switching movement on the lead, the running lead, your attention being directed ahead --

BY THE CHAIRMAN:

Q Where is this, east or west?

A That will be eastward, I am sorry.

BY MR. LEWIS:

Q I was just going to ask him that. Your engine is headed east on this running lead. Where are the cars?

A You will be tied onto cars that you have pulled out of one of the various tracks on this lead.

Q At which end of the engine would they be tied on?

A The nose of the engine will be tied onto the cars.

Q So that if you were going in a westerly direction you would be

backing up with the cars?

A On your nose.

Q And if you were going in an easterly direction you would be shoving the cars on your nose?

A That is correct.

Q Go ahead.

A Your attention will be directed in advance of the movement, that is to say up the lead easterly. The fireman must take the indications from the plant, whether you can go up. That is the interlocking plant which will be red or yellow. He will be alert to watch for that in the various tracks.

There may be in this yard or off this lead that you are working other engines picking up, either cabooses or ready to switch out or taking off express reefers or rush reefers, refrigerator cars. All these movements will be either in the yard, which may conflict with your movement -- they may back out while you are switching. They may back out onto the lead and the fireman will notify you and keep you advised of any movement that may be coming from this yard or from the west easterly through the plant onto the lead you are working.

- Q When you said "this yard" were you referring to the "N" yard?
- A Yes, I am.
- Q And you told me, and it might help the Commission, that there are three leads in this "N" yard on the sketch, are there not?
- A Yes, on the north, yes.
- Q North of the main line you have something that you call the north lead which is the first track?
- A The farthest one, yes.
- Q The farthest north?
- A Yes.
- Q Is that right?
- A Yes.
- Q That you call the north lead?
- A The north lead.
- Q Then there is one you call the centre lead?
- A The centre lead.
- Q Would you say where that is in relation to the words "N yard"?
- A The "N" yard is divided in two parts --
- Q No, excuse me. I asked you whether you could say which was the centre lead by using the words "N yard" as your point of reference. Would it be south of the "N" yard?
- A Yes, the centre lead would be south.
- Q Would it be the third line below the words "N yard" or the fourth line?
- A This one here, yes.
- Q It would be the line which connects with the

curve right at the interlocking plant?

A That is it.

Q Connects with the curve right at the east line of the interlocking plant which is shown here?

A That is right.

Q It is really the bottom line of the top cluster, if I may use that word, of tracks.

THE CHAIRMAN: I cannot follow that.

MR. LEWIS: The top line of that group of tracks which is called the "N" yard is the north lead. The bottom line of that group of tracks --

HON. MR. McLAURIN: Why do you not take a red pencil and show it to us and we will mark it "A"?

MR. LEWIS: Perhaps I should have done that.

HON. MR. MARTINEAU: You might mark the north lead also.

MR. LEWIS: According to the witness, sir, what I have marked "A" is called the north lead, what I have marked "B", which is the bottom line here, is called the centre lead and what I have marked "C", which is the next line parallel to it, south of it, is called the south lead in the "N" yard.

BY MR. LEWIS:

Q "A" is the north lead, "B" is the centre lead and "C" the south lead? Is that right, Mr. Colpitts?

A Yes.

Q Now, when you were talking about movements coming out is it these leads you had in mind?

A Yes, these leads are -- other movements can be on them just as much as on the running lead that I just explained.

Q Yes?

A They are also controlled as far as the interlocking plant is concerned by the signals. Yard movements can be on every one of these leads. There is a cross-over between the centre lead and the south lead, that is, "B" and "C", just about -- it would come about halfway between -- although it is not marked here, sir, it comes about halfway between. You can cross over from "C" to "B" or "B" to "C". If you are working on the south lead, that is to say, east of that cross-over, if your engine is headed east your attention is eastward during the switching movement and the fireman undoubtedly advises whether any movement is coming from the centre lead "B", over to "C".

BY THE CHAIRMAN:

Q I understand that there is a signal tower there?

A The signal tower does not have anything to do with this cross-over, sir.

Q Well, are all these signals that you have spoken about manually operated?

A From the tower; they are electrically operated

from the tower.

Q They are electrically operated from the tower?

A Yes, sir.

Q Well, isn't the purpose of that tower and those signals to prevent any confusion between these various movements?

A That is a point, sir, where the interlocking is a point of its own to allow certain moves at certain times to cross over but --

Q That is all?

A That is all. In this yard movements along these leads, each one converges into the other and you can be working the north lead and still be an obstruction to a man working on the centre lead where the centre lead man can still be an obstruction to the man on the south lead.

Q You say the signal tower has nothing to do with preventing that?

A He has no control over that. That is again in itself another feature that has to be watched and guarded against and the fireman is the man you depend on in that territory.

Q What you say is that each engine is on its own, that its crew and yard crew have to look after each engine to see they do not interfere with each other?

A That is correct, sir.

BY MR. LEWIS:

Q You were talking about the cross-over between the centre lead now marked "B" and the south

lead now marked "C". Are the switches or whatever it is that are connected with that cross-over manually thrown?

A Yes, sir.

Q Or are they electrically controlled?

A They are manually thrown.

Q It might be useful to the Commission, Mr. Colpitts, and looking at this again if you could indicate if you know from memory accurately enough as to the area covered by the interlocking plant which is controlled by the operator in the tower as to signals?

A In actuality the square that you see on there is just the subway but that is the beginning -- that would be a good beginning as far as the location of the junction limits are concerned on the eastward portion of the junction. You will notice a cross-over at the most westerly point between the two main lines on the left end of the sketch.

Q Yes?

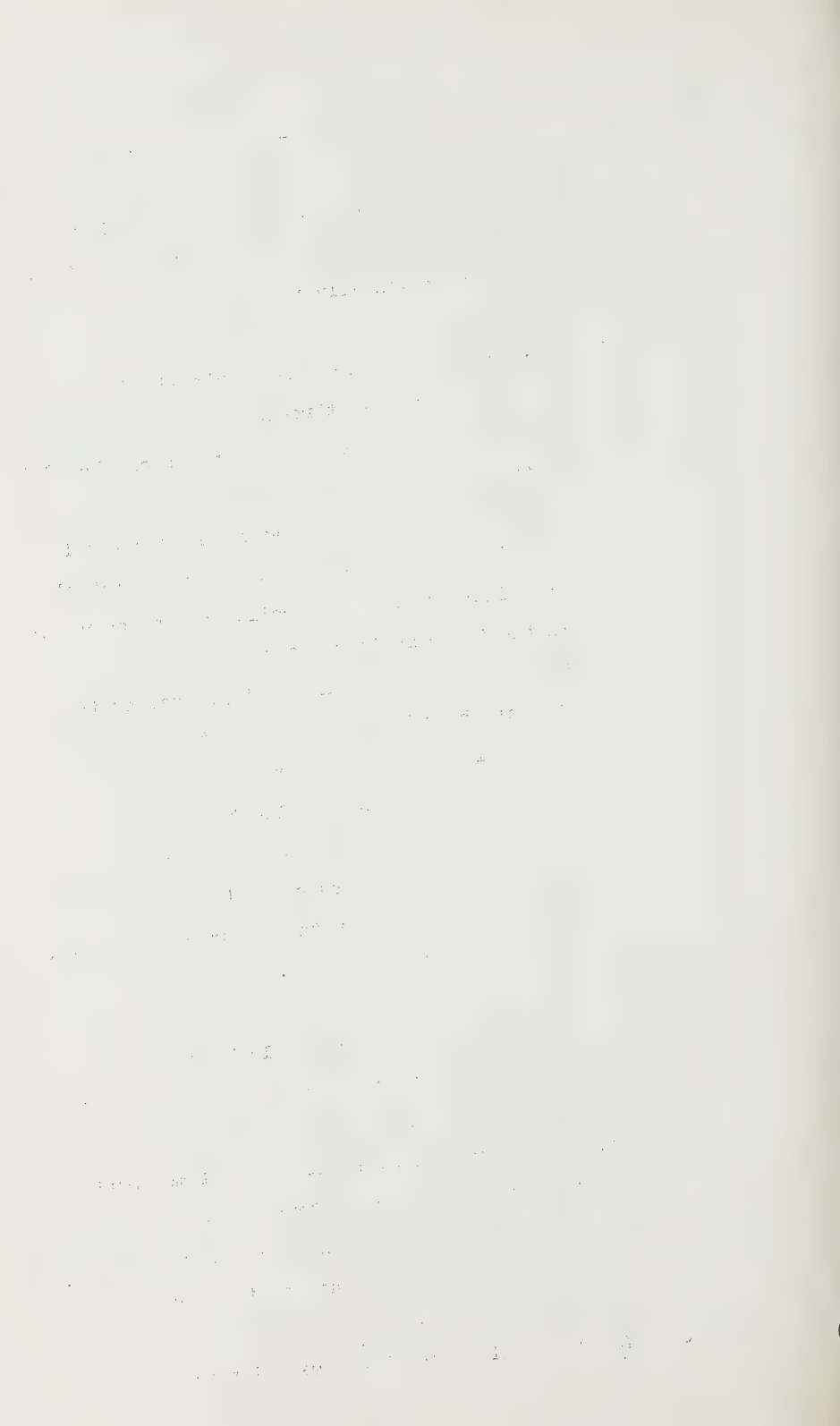
A Half an inch beyond that would be the other extreme of the interlocking confines.

BY THE CHAIRMAN:

Q Then the tower signals only control movements on the two main lines in that area?

A Yes, crossing over the main lines from one yard to another yard, that is, the north side to the south side.

Q But they only protect the main lines?



A That is all.

BY MR. LEWIS:

Q And the area you say is from the eastward line along the subway to about half an inch beyond the cross-over between the two main lines to the left of the sketch?

A That is correct. It would be in that territory, yes.

MR. LEWIS: If I may be bold enough to suggest, perhaps since it is so close to 4 o'clock we might adjourn and I will try to mark the remainder of the sketches a little better than they have been before we go at them tomorrow morning.

THE CHAIRMAN: All right.

---The Commission adjourned at 3.55 p.m. until 10 a.m., Wednesday, May 29, 1957.

BINDING SECT. APR 21 1972

